

A
DICTIONARY
OF
LEGAL TERMS
WITH
INDIAN EQUIVALENTS

By
VINOD K. AGARWAL
LL. M., Advocate



J'AIME PUBLICATIONS,

176/78, Samuel Street, Bombay-9.

Copyrights reserved with the Publishers

First Impression...February 1968

Published by M. P. Khanchandani from 176/78, Samuel Street,
Bombay-9 for J'aime Publications and Printed by B. D. Yadava
at Kalyan Printing Press, Agra-2.

CONTENTS

PART I

Abbreviations of the Indian Law Reports	V
Law Dictionary			1—155

PART II

Indian Equivalents of Selected English terms	159—192
--	-----	-----	---------

ABBREVIATIONS OF THE INDIAN LAW REPORTS

A L J	Allahabad Law Journal (weekly)
A L T	Allahabad Law Times (monthly)
A I R	All India Reporter (monthly)
An L T	Andhra Law Times (weekly)
Bom L R	Bombay Law Reporter (fortnightly)
C L J	Calcutta Law Journal (half-yearly)
C W N	Calcutta Weekly Notes (weekly)
Com Cas	Company Cases (monthly)
Com L J	Company Law Journal (Fortnightly)
Cri L J	Criminal Law Journal (monthly)
G L R	Gujrat Law Reporter (fortnightly)
I T J	Income-Tax Journal (fortnightly)
I T R	Income-Tax Reports (weekly)
I A	Indian Advocate (quarterly)
I F J	Indian Factories Journal (fortnightly)
I J I L	Indian Journal of International Law (quarterly)
I Q	Indian Quarterly (quarterly)
J L J	Jaipur Law Journal (yearly)
J I L I	Journal of the Indian Law Institute (quarterly)
K L R	Kerala Law Reporter (weekly)
K L T	Kerala Law Times (weekly)
L L J	Labour Law Journal (monthly)
L R	The Law Review (half yearly)
L W	Law weekly (weekly)
L L T	Lucknow Law Times (monthly)
M L J	Madras Law Journal
P L R	Punjab Law Reporter (fortnightly)
S T C	Sales Tax Cases (fortnightly)
S C J	Supreme Court Journal (monthly)
S C R	Supreme Court Reports
T L R	Tenancy Law Reporter (monthly)
Ta	Taxation (monthly)

PART I
LAW DICTIONARY



A contrario sensu. On the other hand ; in the opposite sense.

A lato. From the date.

A mensa et thoro. Lat. A kind of divorce, which is rather a separation of the parties by law, than a dissolution of marriage.

A nativitate. From birth or from infancy.

A tort et a travers. Without consideration.

A tort ou a droit. Right or wrong.

Ab actis. Lat. An officer having charge of *acta*, public records, registers journals, a clerk of court.

Ab extra. From without, beyond. *Lunt V. Holland 14 Mass. 151.*

Ab initio. Lat. From the beginning, from the first act, entirely.

Ab invito. Unwillingly, against one's will. A transfer *Ab invito* is a compulsory transfer.

Abaction. A carrying away by violence.

Abactor. A stealer and driver away of cattle or beasts by herds or in great numbers at once, as distinguished from *fur*, a person who steals a single beast only. (Encyc. L.)

Abandon. Surrender of one's rights or privileges ; to desert ; to relinquish or give up with intent of never again resuming one's rights or interests. To give up or to cease to use. *Southern Rly. Co. V. Commonwealth 105 S. E. 65.*

Abandonee. A party to whom a right or property is abandoned or relinquished by another. Applied to the insurers of vessels and cargoes.

Abandonment. The giving up of a thing absolutely without reference to any person or purpose, as throwing of purse on the

highway, leaving a vessel at sea. It includes both the intention to abandon and the external act by which the intention is carried out. In determining whether one has abandoned his property, the intention is the first and paramount object of inquiry. *Lala Sri Ram & Others V. Nand Kishore & Others* A. I. R. 1958 All. 107. Abandonment differs from surrender in that surrender requires an agreement. (*of action or claim*) this may be either in whole or in part. Order XXIII, Rule I, Civil Procedure Code. (*of suit by election by minor*—on his attaining majority. Order XXXII, Rule 12, Civil Procedure Code.

Abate. To throw down ; to beat down ; destroy ; quash.

Abatement. Making less ; a reduction, a decrease. (*of legacies*. A proportional reduction of the pecuniary legacies, when the funds or assets out of which such legacies are payable are not sufficient to pay them in full. (*of legal proceedings*. Where action. are brought to an end without any decision being arrived at on account of the cause of action ceasing to exist. (*of civil litigation*. by death of a party if right to sue does not survive. Order XXII Civil Procedure Code. Criminal proceedings do not abate, they are dropped on the death of the accused.

Abbacy. The government of a religious house and the revenue thereof, subject to an abbot, as a bishopric is to bishop.—Cowel.

Abbroach. To monopolise goods or forestall a market.

Abdication. The act of a sovereign who renounces his throne. The term is also applied to the renunciation by a magistrate or a person in office before the natural expiration of period thereof. It differs from resignation.

Abduction. The forcible or fraudulent taking away of women or children. In India, it is the compulsion by force or inducement by deceit whereby any person is made to go away from any place. It is punishable as a crime. See section 326 of the Indian Penal Code.

Abet. A French word—combined from two words “a” and “beter” —to bait or excite an animal.

To encourage, incite or set another on to commit a crime. Indian Penal Code deals with three kinds of abetments. A person (1) instigates a person to do that thing or (2) engages with one or more other person or persons in any conspiracy for the doing of that

thing or (3) intentionally aids, by any act or omission the doing of that thing.

Abettor. One who promotes or procures a crime to be committed.

Adeyance. Legal term used when there is uncertainty as to whom the rights belong. In expectation, remembrance and contemplation of law. Hindu law does not recognise an estate in abeyance. An estate in abeyance is called an estate *in gremis legis* (in the bosom of the law).

Abide. To accept the consequences of ; to rest satisfied with ; to wait for.

Abjudicate. To give away or transfer by judgment.

Abjuration. A renunciation or abandonment by or upon oath.

Abjure. To renounce or to abandon by or upon oath.

Abkari. Excise. (An Indian term)

Ablocation. A letting out to hire or leasing for money.

Abode. A man's residence where he lives with his family and sleeps at night is always his place of abode in the full sense of that expression. Lord Campbell C. J. 17 Q. B. 772.

Abolition. The destruction ; annihilation ; abrogation or extinguishment of anything.

Abortion. The artificial expulsion of the foetus at any period of pregnancy. The act of bringing forth what is yet imperfect. Abortion is the same as *miscarriage* and is punishable under section 312 of the Indian Penal Code.

Abortive trial. A term descriptive of the result when a case has gone off, and no verdict has been pronounced, without the fault of the parties.

Above par. A price above the nominal value, used for the price of shares, etc.

Abridge. To reduce or contract. In Copyright law—to epitomize. It implies preserving the substance, the essence of a work in language suited to such a purpose. To abridge requires the exercise of the mind ; it is not copying.

Abridgment of damages. The right of the court to reduce damages in certain cases.

Abrogate. To annul ; repeal or destroy ; to annul or repeal an order or rule issued by a subordinate authority. To repeal a former law by legislative act.

Abrogation. It is the annulment of a law by a constitutional authority.

Abscond. Go out of the jurisdiction of the court or hide oneself to avoid the service or a process of a court. The word is used generally of criminals eluding the law. See section 512 of the Criminal Procedure Code.

Absolve. To acquit of a crime, to set free, or release as from obligation, debt, or responsibility.

Abstract. v. To take or withdraw from.

Acceptance. Agreeing to a previous act, or promise to do, by another. The taking or receiving of any thing that is offered by another. It is the signifying of one's assent to the proposal made by another. "Acceptance is to offer what a lighted match is to a train of gunpowder. It produces something which cannot be recalled or undone. But the powder may have lain till it has become damp or the man who laid the train may remove it before the match is applied. So an offer may lapse for want of acceptance or be revoked before acceptance."—Anson.

Access of lights. A building is said to have access of lights when it owns a right of easement of ancient lights. See Easement.

Accident. An unexpected incident. The word "accident" is derived from the Latin verb "accidere" signifying "fall upon, befall, happen, chance". "Nothing is an offence which is done by accident or misfortune and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and attention." Section 80, Indian Penal Code. In civil actions for damages accident means inevitable casualty or act of God, provided the act is not the result of negligence or misconduct. Following cases can be referred for the meaning of the term accident under section 3 of the Workmen's Compensation Act. *Padma Devi V. Raghunath Ray* A. I. R. 1950 Orissa 207, *Laxmi Bai Atmaram V. Chairman & Trustees, Bombay Port Trust* 55 Bom. L. R. 924 ; A. I. R. 1954 Bom 180 (D. B.) *Bai Shakri V. New Maneek Chowk*

Mills Co. Ltd., A. I. R. 1961 Guj. 34, *Parwatibai V. Raj Kumar Mills*
A. I. R. 1959 Madh. Pra. 281.

Accomplice. A person who knowingly, voluntarily and with common intent unites with the principal offender in the commission of a crime. One who is in some way concerned or associated in the commission of the crime. One who assists, or aids or is any accessory.

Accord. An agreement between two persons one of whom has a right of action against the other that the latter should do or give and the former accept something in satisfaction of the right of action. When the agreement is executed and satisfaction has been made, it is called accord and satisfaction. Wharton.

Accredit. In international law—to acknowledge ; to receive as an envoy in his public character, and give him credit and rank accordingly—Burke.

Encroach. To encroach ; to exercise power without due authority.

Accrue. The words “accrue” and “arise” in section 4 of the Indian Income Tax Act do not mean actual receipt of the income, profit or gains. They may be interpreted also as conveying the idea of a present enforceable right to receive the income, profits or gains.

Accumulative Judgment. Where a person has already been convicted and sentenced, and a second or additional judgment is passed against him, the execution of which is postponed until the completion of the first sentence, such second judgment is called to be accumulative.

Accusation. A formal charge of an offence against a person.

Accused. The person against whom a complaint is given to a court that he has committed an offence. “Accused” is the generic name for the defendant in a criminal case. Accused is a person charged in a trial.

Acknowledgment. To “acknowledge” is to admit, affirm, declare, testify, avow, confess or own as genuine.

Acquiesce. To give an implied consent to a transaction, to the accrual of a right, or to any act, by one’s mere silence or without express assent or acknowledgment. See *Benerji J.* in 16 All 331.

ACQ

Acquiescence. A consent sometimes called "sleeping on one's rights". A person having full knowledge of his rights neglecting to dispute the rights of another or to enforce his rights will be debarred from enforcing his rights and from questioning the other's rights.

Acquisition. The act of becoming the owner of certain property, the act by which one acquires or procures the property in anything.

Acquittal. Discharge from prosecution upon a verdict of not guilty after he has been properly tried. Setting free of an accused person by order of court. Acquittal is a bar to further prosecution in respect of the same matter. See section 403 of the Criminal Procedure Code.

Act of God. An event happening without an interference of any human agency, and exclusively due to natural cause.

Act of insolvency. At act of a debtor upon which an insolvency petition may be grounded. See Insolvency Law.

Actio in Personam. A personal action, in which plaintiff claims that the defendant ought to give or do or make good something to, or for him.

Actionable. Cause for which an action will lie.

Actus curiae neminem gravabit. An act of the court shall prejudice no one.

Actus non facit reum, nisi mens sit rea. The act itself does not constitute guilt unless done with the guilty intent.

Ad hoc. For this special purpose.

Ad idem. Of the same mind.

Ad interim. In the mean time.

Ad litem. For the suit.

Ad quem. To which.

Ad referendum. For further consideration.

Ad valorem. According to value.

Adaptation. The term necessary adaptations used in section 18 of the Indian Independence Act means alteration of an enactment in order to bring it in accord with the changed constitutional position.

Gulab Singh V. District Magistrate, Dehra Dun A. I. R. 1950 All. 11.

Ademption. A complete or partial revocation or extinction of a legacy.

Adherent. A term used in English Law. To adhere to the King's enemies is highly punishable. Such adherence means actively assisting an enemy at war with His Majesty. Section 121 to 123 of the Indian Penal Code deals with adherence and offences against the State.

Adhivedantika. A kind of woman's property. (The term is used in Hindu Law.)

Adhayagnika. A term used in Hindu law and means a kind of Stridhana (woman's property) gifted to a woman before the nuptial fire at the time of her marriage.

Adjournment. A putting off or postponing of business or of a session until another time or place. The suspension of the sitting of the court.

Adjournment sine die. An adjournment without setting a time for another meeting or session. See also Sine Die.

Adjudge. To decide ; to settle ; to pass on judicially.

Adjudication. Pronouncing a judgment or order declaring a debtor to be insolvent. It is also used when a judgment or order is pronounced in a case passing decree or sentence.

Adjunctio. A form of *accessio*, a term used in Roman law. It means the joining of material belonging to one person with something belonging to another.

Adjuration. A swearing or binding on oath.

Adjustment. An agreement or settlement. When there is an agreement to adjust the decree on the fulfilment of a future condition, and the decree is still left in existence pending the fulfilment of the condition, there is no adjustment within the meaning of Order XXI Rule 2 of the Civil Procedure Code.

Administration of Assets. The duty of the collection of the assets of a deceased person and the payment of the debts of the deceased.

ADM

Administrative Law. The law relating to the organisation, powers and duties of the administrative authorities—Dicey. It is that branch of public law which deals with the various organs of the Sovereign power and prescribes in detail the manner of their activity, being concerned with such topics as the collection of the revenue, the regulation of the army etc.

Administrator. A person to whom an authority to manage and control the estate of a deceased has been granted by the proper court. See Letters of Administration.

Administratrix. A female person to whom letters of administration are granted.

Admiralty Court. A court exercising jurisdiction in Admiralty matters e. g., bottomry, a salvage, maritime collisions.

Admiralty Jurisdiction. The jurisdiction to try offences committed on the High Seas is known as the admiralty jurisdiction. This jurisdiction is based on the principle that ships on the High Seas is a floating island belonging to the nation whose flag she is flying. According to Indian Penal Code Admiralty jurisdiction extends to, (a) offences committed on Indian ships on the high seas, (b) offences committed on Indian ships in Indian territorial waters, (c) Pirates.

Admissions. Statements oral or written made by or on behalf of a party to a suit, and admissible in evidence, if relevant, as against his interest. Section 17 of the Indian Evidence Act defines admissions as "An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact and which is made by any of the persons and under the circumstances herein after mentioned." Admissions made by accused persons in the criminal case are called confessions.

Admittance. On a charge of ownership of a copyhold, the new tenant has to be admitted by the Lord of the manor, who is always or nearly always entitled to a fine for admittance. This used to take place in a court attended by the tenants of the manor, but is now effected by a simple entry on the manorial roll by the manorial steward—Harms.

Adolescence. That age which follows puberty and precedes the age of majority. Under English law it commences, for males at

fourteen, and for females at twelve years, and continues until twenty-one years complete.

Adoption. The taking and receiving as one's own that to which he bore no prior relation, colourable or otherwise. It is the legalised recognition of a person as one's son. Chapter II of Hindu Adoption & Maintenance Act of 1956 deals with the provisions relating to adoption. Section 6 of the Act provides that an adoption shall be valid only if it is made in accordance with the provisions of this Act and that the person adopting has the capacity and the right to take in adoption, the person giving in adoption has the right to do so and the person adopted is capable of being taken into adoption. Section 7 empowers any male Hindu who is of sound mind and is not a minor to take a son or a daughter into adoption. Similarly section 8 provides that any female Hindu—who is of sound mind, who is not a minor and who is not married, or if married, whose marriage has been dissolved or whose husband is dead, or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind—has capacity to take a son or daughter in adoption. Regarding the persons capable of giving in adoption section 9 provides that "No person except the father or mother or guardian of a child shall have the capacity to give the child in adoption." Further section 10 provides that no person shall be capable of being taken into adoption unless he or she is a Hindu, he or she has not been married, unless the custom or usage provides otherwise, and he or she has not completed the age of fifteen years.

Adoptive Act. An Act of parliament which does not become operative until adopted by a public body or a particular number of voters in an area.

Adult. One who has attained the age of majority according to section 2 of Act 25 of 1934.

Adultery. Sexual intercourse between a married man or married woman and any person of the opposite sex other than his or her wife or husband. Section 494 of the Indian Penal Code declares adultery an offence and provides that "Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, such sexual inter-

course not amounting to the offence of rape, is guilty of the offence of adultery." Adultery by either party is a ground for judicial separation or divorce. For living in adultery see A. I. R. 1938 Mad. 66.

Advance. To pay money or render other valuable before it is due ; to furnish some thing before an equivalent is received, to loan. The word 'Advance' does not connote any idea of repayment. *Rajah of Venkats Giri V. Rajarao Sri Krishnayya Rao* A. I. R. 1948 P. C. 150. Whereas the word lending does.

Advancement. In English law, money or property given by a parent to his child or, sometimes, presumptive heir, or expended by the former for the benefit of the latter.

Adventure. The sending of goods abroad at owner's risk in a ship. This term is used in maritime law.

Adverse claim. A claim by two persons against each other of the ownership of a certain property.

Adverse enjoyment. An enjoyment or an exercise of an easement or right or privilege under a claim or right against the owner of a property. See section 15 of the Indian Easement Act.

Adverse possession. An occupation of land inconsistent with the right of the true owner. If the adverse possession continues, the effect at the expiration of the prescribed period is that not only the remedy but the title of the former owner is extinguished. See *Prescription* in Indian Easement Act. To claim successfully the adverse possession vesting title in the possessor, the possession must be actual, visible, exclusive, hostile and continued during the statutory period of limitation.

Advice note. The document sent by the railway company to the consignee intimating that his goods have arrived and informing him that if the goods are not fetched away the company will only keep them as warehouseman and not as carriers, thereby reducing the liability of the railway company from absolute liability to liability only for negligence.

Advocate. One who pleads the cause of another in a judicial tribunal.

Aequitas. Equity.

Affidavit. A written declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation by the party making it, taken before an officer having authority to administer such oath. The difference between a "solemn affirmation" and affidavit is that the applicant is to solemnly affirm that the statements made in the petition are true to his own knowledge whereas in the case of an affidavit, it may be sworn by any person acquainted with the facts of the case.

Affiliation. Attached to ; The fixing of the paternity of a bastard child, and the obligation to maintain it.

Affray. Where two or more persons by fighting in a public place disturb the public peace, they commit an affray. It is an offence under the Indian Penal Code.

Affreightment. A contract made either by charterparty or by bill of lading, by which a shipowner agrees to carry goods in his ship for reward.

After Acquired. Acquired after a particular date or event.

After sight. This term as used in a bill payable so many days after sight, means after legal sight ; that is, after legal presentment for acceptance. See section 26 Negotiable Instruments Act. See Payment After sight.

Agency. This is a legal relation between a person called agent and another called the principal for whom he acts. An agency may be created expressly or impliedly.

The relation created by express or implied contract or by law, whereby one party delegates the transaction of some lawful business with more or less discretionary power to another, who undertakes to manage the affair and render to him an account. —Broom C. J. Actual agency exists where the agent is really empowered by the principal. Agency by estoppel is created by operation of law and established by proof of such acts of the principal as reasonably lead to the conclusion of its existence. The term agency of necessity is sometimes applied to the kind of agency which enables a wife to procure what is reasonably necessary for her maintenance and support on her husband's credit and at his expenses, when he fails to make proper provision for her necessities. See Chapter X of the Indian Contract Act.

AGE

Agent. A person employed to act on behalf of another. An agent is a person who is authorised to contract legal obligations and acquire legal rights on behalf of another person from whom his authority is derived.

Agister. A bailee for reward.

Agnates. Relation through descent from a common male ancestor as distinguished from cognate relations descended from a female ancestor.

Agreement. The concurrence of two or more persons in affecting or altering their rights and duties. The Indian Contract Act defines as "Every promise and every set of promise forming the consideration for each other is an agreement." The words "Lawful agreement" in Order XXIII Rule 3, Civil Procedure Code means exactly the same thing as the words "an agreement enforceable by law", in section 2(h) of the Indian Contract Act. Void agreement is one which cannot be enforced by law, e. g., agreements made without consideration except the three cases mentioned under section 25 of the Act, agreements in restraint of Trade, agreements in restraint of marriage, agreements in restraint of legal proceedings and agreements in the nature of wager etc.

Agriculture. It is the art or science of cultivating the ground, especially in fields, including the preparation of the soil, the planting of the seeds, the raising and harvesting of crops.

Agricultural Income. Indian Income Tax Act of 1961 defines agricultural income as, "(1) any rent or revenue derived from land which is used for agricultural purposes, and is either assessed to land revenue in India or is subject to local rate assessed and collected by officers of government as such ; (2) any income derived from such land by (a) agriculture, or (b) the performance by a cultivator or receiver of rent in kind of any process ordinarily employed by a cultivator or receiver of rent in kind to render the produce raised or received by him fit to be taken to market, or (c) the sale by a cultivator or receiver of rent in kind of the produce raised or received by him, in respect of which no process has been performed other than the process of the nature described in paragraph (b) of this sub-clause. (3) Any income derived from any building owned and occupied by the receiver of the rent or revenue of such land, or

occupied by the cultivator or the receiver of rent in kind, of any land with respect to which or the produce of which, any process mentioned in paragraph (b) and (c) of sub-clause (2) is carried on.

Provided that the building is on or in the immediate vicinity of the land and is a building which the receiver of rent or revenue or the cultivator, or the receiver of rent in kind by reason of his connection with the land, requires as a dwelling house, or as a store house, or other out building.

Ahfad. Descendants from males and females. (An Urdu term).

Aid. To help ; support, assist or strengthen.

Aimah. Religious men among Mahommedans. (An Urdu term)

Ainesse. In Frence feudal law, the right or privilege a of the eldest born ; primogeniture.

Alderman. A senior member of the governing body of a city, borough or country. (A term of English law)

Alia. In latin it means other thing. Uder Mahommedan law it is also called as Ila, means a vow to abstain from carnal knowledge of one's wife for four months so that it may have the effect of a divorce.

Alias. A false name. It has been derived from *Alias dictus* means otherwise called, indicating one was called by one or the other of two names.

Alias Writ. A second writ.

Alibi. (Elsewhere) A defence where an accused alleges that at the time when the offence, with which he is charged, was committed, he was elsewhere. *R. V. Littleboy* (1934) 2 K. B. 408.

Alienation. The power of the owner or tenant to dispose of his interest in real or personal property. Alienation may be voluntary, e. g., by conveyance or by will, or it may be involuntary, e. g., seizure under a judgment order for debt. Alienation privately of a property after it is attached by an order of the court is void. Section 64 of the Civil Procedure Code.

Alimony. This is a legal term used for an allowance in money paid by husband or wife to a spouse from whom he or she is

ALI

separated. Where the marriage is dissolved the guilty party may be ordered to pay a sum to the other for maintenance ; but this is not alimony though it is often called so. While divorce proceedings are pending, the court usually orders alimony to be paid by the husband to the wife. It is the allowance ordered by the court to be made to a wife from her husband's estate for her support in connection with a matrimonial suit.

Aliter. Otherwise.

Aliunde. From elsewhere.

Allegation. A statement or assertion of fact made in any proceeding, particularly a statement or charge which is, as yet, unproved.

Allegiance. The tie which binds the subject to the King in return for that protection which the King affords the subject ; the natural and legal obedience which every subject owes to the King. Breach of the allegiance is the basis of the crime of treason.

Alley. A narrow way designed for the special accomodation of the property it reaches.

Alliance. The relation or union between persons or families contracted by intermarriage ; affinity.

Allocation. Appropriation of a fund to particular persons or purposes. See Appropriation.

Allocatur. It is allowed. The certificate of the taxing officer as to the amount of costs allowed.

Allograph. A document not written by any of the parties thereto.

Allotment. The allocation or appropriation of property to a specific person called the allottee ; or the partition of the property among the several joint owners.

Alluvion. That increase of the earth on a shore or bank of a stream or the sea, by the force of the water as by a current or by waves, which is so gradual that no one can judge how much is added at each moment of time.

Allay. A nation which has entered into an alliance with another nation.

Alter the finding. The word 'alter the finding' in section 423 (1) (b) (2) Criminal Procedure Code cannot refer to a finding to which no sentence is attached. The finding and sentence go hand in hand, and the appellate court is given the power to alter the finding, but maintain the sentence or reduce the same.

Amalgamation. The merger of two or more companies or their undertakings.

Ambiguity. Doubtfulness, doubleness of meaning. Ambiguity may be either latent or patent. A patent ambiguity is one which is apparent on the face of the instrument, as where a blank is left. A latent ambiguity is one not apparent on the face of the instrument. But ambiguity must not be confused with unintelligibility.

Ambulatory. Revocable for the being. A will is ambulatory.

Amendment. A correction of some error or omission.

Amicus curiae. (a friend of the court) One who calls the attention of the court to some point of law or fact which would appear to have been overlooked.

Amensty. A pardon for offences. A general release or pardon as an act of grace unconditionally.

Anavishti. Drought, absence of rain during the seasons.

Ancestor. One from whom a person lineally descended or may be descended. A former possessor.

Ancestral. Relating to ancestor or to what has been done by them.

Ancient lights. The rights of enjoyment of light uninterruptedly for twenty years. This is a right of easement.

Ancipitus usus. Of doubtful use.

Animus dedicandi. The intention of dedicating.

Animus et factum. The combination of the intention with the act.

Animus Quo. The intention with which.

Annuity. A yearly payment of a certain sum of money.

Ansapatra. A deed of partition among the members of a Hindu family. It is used in Hindu Law.

Antecedent. A term used in Hindi law. That which happened

ANT

before time ; a statement or proposition from which another is logically deduced. Antecedent debt means a debt incurred by a hindu prior to the birth of a son or other heir. See 3 I. A. 176.

Anti-nuptial. Before marriage.

Anumati. Permission or consent. (An Indian term)

Apararka. A commentator of Hindu Law who flourished in India after Vijñaneswara. His work is authority in the Beharas School of Hindu Law. See 37 All. 604.

Appeal. An application by a party to a superior court requesting it to set aside or reverse the decision given by a subordinate court. The term 'appeal' has not been defined in any Code. See Criminal Procedure Code for the provisions relating to appeal in criminal cases and Civil Procedure Code for civil appeals.

Appear. Appearing in a suit or proceeding.

Appellant. One who appeals.

Apportionment. Division in proportion to the interests of the parties. Sections 36, 37 and 109 of the Transfer of Property Act deal with apportionment.

Appraisement. Valuation of goods seized in execution.

Approbate and Reprobate. To blow hot and cold. A person is not allowed to take a benefit under an instrument and disclaim the liabilities imposed by the same instrument.

Appropriation. Satisfaction of debts out of the sums paid by the debtor to the creditor. The Indian Contract Act provides that a creditor is bound to appropriate the amount paid by the debtor towards the debt as specifically asked for by the debtor. It is the right of the debtor to get his payment appropriated in any debt he likes. But if the debtor fails to mention the debt towards which it is to be appropriated, then the creditor has a right to appropriate it against any debt he likes. A creditor has a right to appropriate an amount even towards time barred debts in the absence of specific instructions from the debtor. If both, the debtor and the creditor, fails to appropriate the amount then the law will appropriate it towards the debt which is first in time.

Approver. An accomplice in crime who undertakes to make a

full disclosure of the crime against his companions in guilt on a promise of a pardon being granted to him.

Arbitration. The submission for determination, of disputed matter, to private person selected in the manner provided by agreement and by law. The general law relating to arbitration is contained in the Arbitration Act. The decision of the arbitrator is called *award*.

Argument. The process by which inferences are drawn. An effort to establish belief by a course of reasoning.

Array. The whole body of jurors summoned to attend a court as they are arrayed or arranged on the panel.

Arrears. Money unpaid even though due time for payment has elapsed.

Arrest. To arrest a person is to deprive him of his liberty by some lawful authority, for the purpose of compelling his appearance to answer a criminal charge, or as method of execution. But arrest does not include imprisonment. An arrest can be made either under the civil law or under the criminal law.

Arsha. A term used in Hindu law and is the name of one of the eight forms of marriages.

Arson. The malicious burning of the house or outhouse of another. The wilful and malicious burning of the dwelling house of another or place of worship or public building belonging to railway, dock or post offices. Arson is an offence in India. See sections 435 and 436 Indian Penal Code.

Articles. Clauses or paragraphs of a document or agreement. A connected series of propositions ; a system of rules. The subdivisions of a document, code or book etc. A specification of distinct matters agreed upon. The regulations of a company e. g., articles of association.

Artificial person. An association which is invested with personality by law e. g., a corporation or company.

Artistic Work. According to the definition in clause (c) of section 2 of the Copyright Act of 1957, artistic work means—(1) a painting, a sculpture, a drawing (including a diagram, map, chart or plan) an engraving or a photograph, whether or not any such work

ASC

possesses artistic quality, (2) an architectural work of art, and (3) any other work of artistic craftsmanship.

Section 3 (i) of the English Copyright Act of 1956 defines artistic work, as meaning a work of any of the following descriptions :—

(1) The following irrespective of artistic quality, namely paintings, sculptures, drawings, engravings and photographs ; (2) works of architecture, being either buildings or models of buildings ; (3) Works of artistic craftsmanship, not falling within either of the preceding paragraphs. Artistic according to Oxford dictionary means 'pertaining to or befitting an artist' and artist means 'one skilled in the liberal learned arts ; one who is master of the liberal arts'. See *Burke & Margot Burke Ltd. V. Spicers Dress Designs* (1936) 1 All. E. R. 99, and also *Kenrick & Co. V. Lawrence & Co.*

Ascendant. The progenitors of a person in a direct line proceeding from father, grandfather and so on.

Asportation. The carrying away or removing goods.

Assassination. In its specific sense it means the murder of a prominent personage.

Assault. If a person makes a gesture or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he is about to use criminal force to that person. Section 351 Indian Penal Code. It is an intentional, unlawful offer of corporeal injury to another by force, or force unlawfully directed towards person of another, under such circumstances as create well founded fear of imminent peril, coupled with apparent present ability to execute attempt, if not prevented. Assault is also a tort consisting of an act of the defendant which causes plaintiff reasonable fear of the infliction of a battery.

Assembly. See unlawful assembly.

Assessment. The ascertainment of a person's liability to taxation or rates or damages etc.

Assessee. Every person in respect of whom any proceeding has been taken for the assessment.

Assets. Property available for the inheritance of an heir or for the payment of his debts. Assets in section 73 of the Civil Procedure Code means the sale proceeds of the property received after it is being sold in execution proceedings.

Assign. To make over or set over to another. The transfer of a right in favour of another.

Assignment. A transfer or making over to another of the whole of any property, real or personal, in possession or in action, or of any estate or right therein. Choses in action such as debts can be assigned and sued for by the assignee on the following conditions : (1) that the assignment is absolute and not simply by way of exchange, (2) that the deed is in writing and signed by the assignor, and (3) that the debtor receives the notice of assignment.

Assise or Assize. (A sitting or session). A jury who is summoned by virtue of a writ to sit together and try the case.

Association. A society or combination existing for a common purpose ; a company. An association of twenty or more than twenty persons without being incorporated as a company is illegal.

Assumpsit. (He promised or undertook). An obsolete form of action at common law for damages for breach of any contract.

Asura. A form of marriage prevailing among Hindus.

Asylum. A common place of safety or protection. See Lunacy Act for definition.

Attachment. A seizure of property by a process of law. It is employed in ordinary cases of disobedience to an order, judgment etc., or other contempt of court committed in the course of a suit, or otherwise. The following are the provisions of Civil Procedure Code dealing with the different circumstances relating to attachment : For attachment of property of witnesses see Order XVI Rule 10 to 13. Attachment, in execution of a decree, after judgment Order XXI Rule 41. Attachment of agricultural produce Order XXI Rule 44. Attachment of salary Order XXI Rule 48. Attachment of partnership property Order XXI Rule 49. Attachment of negotiable instruments Order XXI Rule 51.

Attainder. The extinction of civil rights and capacities which formerly took place when capital punishment was awarded to a person who had committed treason or felony. It involved the forfeiture of the land and goods belonging to the criminal and the corruption of his blood, i. e., he became incapable of holding or inheriting land, or of transmitting a title by descent to any other person.

Attempt. An act done with intent to commit a crime

ASC

possesses artistic quality, (2) an architectural work of art, and (3) an other work of artistic craftsmanship.

Section 3 (i) of the English Copyright Act of 1956 defines artistic work, as meaning a work of any of the following descriptions :—

(1) The following irrespective of artistic quality, namely paintings sculptures, drawings, engravings and photographs ; (2) works of architecture, being either buildings or models of buildings ; (3) Work of artistic craftsmanship, not falling within either of the preceding paragraphs. Artistic according to Oxford dictionary means 'pertaining to or befitting an artist' and artist means 'one skilled in the liberal learned arts ; one who is master of the liberal arts'. See *Burke & Margot Burke Ltd. V. Spicers Dress Designs* (1936) 1 All. E. R. 99, and also *Kenrick & Co. V. Lawrence & Co.*

Ascendant. The progenitors of a person in a direct line proceeding from father, grandfather and so on.

Asportation. The carrying away or removing goods.

Assassination. In its specific sense it means the murder of a prominent personage.

Assault. If a person makes a gesture or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he is about to use criminal force to that person. Section 351 Indian Penal Code. It is an intentional, unlawful offer of corporeal injury to another by force, or force unlawfully directed towards person of another, under such circumstances as create well founded fear of imminent peril, coupled with apparent present ability to execute attempt, if not prevented. Assault is also a tort consisting of an act of the defendant which causes plaintiff reasonable fear of the infliction of a battery.

Assembly. See unlawful assembly.

Assessment. The ascertainment of a person's liability to taxation or rates or damages etc.

Assessee. Every person in respect of whom any proceeding has been taken for the assessment.

Assets. Property available for the inheritance of an heir or for the payment of his debts. Assets in section 73 of the Civil Procedure Code means the sale proceeds of the property received after it is being sold in execution proceedings.

Assign. To make over or set over to another. The transfer of a right in favour of another.

Assignment. A transfer or making over to another of the whole of any property, real or personal, in possession or in action, or of any estate or right therein. Choses in action such as debts can be assigned and sued for by the assignee on the following conditions : (1) that the assignment is absolute and not simply by way of exchange, (2) that the deed is in writing and signed by the assignor, and (3) that the debtor receives the notice of assignment.

Assise or Assize. (A sitting or session). A jury who is summoned by virtue of a writ to sit together and try the case.

Association. A society or combination existing for a common purpose ; a company. An association of twenty or more than twenty persons without being incorporated as a company is illegal.

Assumpsit. (He promised or undertook). An obsolete form of action at common law for damages for breach of any contract.

Asura. A form of marriage prevailing among Hindus.

Asylum. A common place of safety or protection. See Lunacy Act for definition.

Attachment. A seizure of property by a process of law. It is employed in ordinary cases of disobedience to an order, judgment etc., or other contempt of court committed in the course of a suit, or otherwise. The following are the provisions of Civil Procedure Code dealing with the different circumstances relating to attachment : For attachment of property of witnesses see Order XVI Rule 10 to 13. Attachment, in execution of a decree, after judgment Order XXI Rule 41. Attachment of agricultural produce Order XXI Rule 44. Attachment of salary Order XXI Rule 48. Attachment of partnership property Order XXI Rule 49. Attachment of negotiable instruments Order XXI Rule 51.

Attainder. The extinction of civil rights and capacities which formerly took place when capital punishment was awarded to a person who had committed treason or felony. It involved the forfeiture of the land and goods belonging to the criminal and the corruption of his blood, i. e., he became incapable of holding or inheriting land, or of transmitting a title by descent to any other person.

Attempt. An act done with intent to commit a crime, and

forming part of a series of acts which would constitute its actual commission, if it were not interrupted. Though an offence was not actually committed yet, under section 511 of the Indian Penal Code, an attempt to commit it will be punishable. The mere intention to commit a criminal offence is not a crime, nor is an act merely preparatory to the commission of an offence. But an actual attempt is punishable. It has been held in *State of U. P. V. Ram Charan* A.I.R. 1962 All. 395 that while, in our view, it is not possible to give a precise or exhaustive definition of 'attempt', it may be broadly stated that an intentional act which a person does towards the commission of an offence but which fails in its object through circumstances independent of the volition of that person is 'attempt'.

Attestation. The act of witnessing an instrument in writing, at the request of the party making the same, and subscribing it as a witness. Mortgage deeds and wills are required to be attested. According to sections 68 to 72 of the Indian Evidence Act a document required to be attested by law will have to be proved by atleast one attesting witness. A party to a document could not be a valid attesting witness also for the same document. A. I. R. 1954 Mad. 126.

Attorney. A person appointed by another to act in his place or represent him. Also persons admitted to practice in the court : they represent suitors who did not appear in person.

Attornment. The agreement by the tenant of land to hold his land from the transferor to the transferee, as "I Become the tenant of the purchaser."—Watson.

Auction. A public sale of property conducted by bidding by an officer appointed by court. See Indian Sale of Goods Act.

Aulad. A natural born as well as an adopted son. (An Indian term)

Autrefois Acquit. (Formerly acquitted). A special plea to bar a criminal prosecution that the prisoner has been already tried for the same offence before a court of competent jurisdiction and has been acquitted. See section 403 Criminal Procedure Code.

Autrefois Convict. (Formerly convicted). A special plea to bar a criminal prosecution, by which the prisoner alleges that he has been already tried and convicted for the same offence before a

court of competent jurisdiction. See section 403 of Criminal Procedure Code.

Average. The apportionment of loss incurred in mercantile transactions between persons suffering the loss and other persons concerned or interested.

Averment. An allegation in pleading.

Award. The finding or decision of an arbitrator upon the submission in an arbitration. See Indian Arbitration Act.

B

Back freight. Freight for the carriage of goods returned undischarged from the port to which consigned.

Bail. An accused person admitted to bail when he is released from the custody of officers of the law and is entrusted to the custody of persons known as his sureties, who are bound to produce him to answer, at a specified time and place, the charge against him, and who, in default of so doing, are liable to forfeit such sum as is specified when bail is granted. Bailable offences are shown in the schedule of the Criminal Procedure Code. In non-bailable cases too, the court may enlarge the accused on bail.

Bailee. A person to whom the possession of goods is entrusted by the owner but not with the intention of transferring the ownership. See sections 148 to 181 of the Indian Contract Act.

Bailment. A delivery of goods on a condition, express or implied, that they shall be restored by the bailee to the bailor, or according to his instructions, as soon as the purpose for which they are bailed shall be answered.

Bailor. One who entrusts the goods to the bailee.

Balance order. An order served on a contributory of a company to pay up the balance of a call due from him.—Rawson.

Ballot. Any system of secret voting.

Bandhu. In Hindu Law it means a cognate relation. The bandhus may be either Atme bandhu or Pitra bandhu or Matra bandhu.

Bandit. An outlaw ; a man banned or put under a ban.

Bankrupt. A debtor whose estate is vested in a trustee for division amongst his creditors, pursuant to an order of the court adjudicating him bankrupt.

Bankruptcy. An English term for 'insolvency'. They are the proceedings in a court for the distribution of property of an insolvent person among his creditors and to relieve him of the unpaid balance of his liabilities. These proceedings commence with the commission of an act of insolvency, followed by a petition to the court for a receiving order for the protection of the estate. The property of the debtor then vests in an official receiver.

Bar. A partition across a court of justice. The dividing partition between the part reserved for the standing of the offenders and the other part of the judges. The Bar means the professional body of barristers.

Bar Council. The general council of the Bar.

Bargain and Sale. A contract or agreement between two parties for the sale of any estate followed by the payment of the agreed price.

Barrator. One who commits barratry.

Barratry. A term used in maritime law to denote one of the perils of the sea. It is an act committed by the master or crew of a vessel with the intention of causing injury to the owner or charterer.

Barren money. A debt without interest.

Barricade. An obstruction or blockade to prevent passage.

Barrister. An advocate, a counsellor learned in law admitted to plead in court of law. A member of one of the four Inns of Court.

Bastard. An illegitimate child, a child born out of an unlawful intercourse. He is not legitimised by subsequent marriage of the parties. A child begotten before marriage and born after the marriage is not a bastard.

Bastarda. A female bastard.

Battery. The actual striking or unlawful beating or other wrongful physical violence inflicted on a human being without his consent.

Bawdy house. A brothel.

Bay-Bil-Waffa. A mortgage by conditional sale. A term used in Mohammedan law.

Bearer. One who carries, bears or holds a thing. A person in possession of a bill of exchange or promissory note payable to bearer.

Beegah or Bigah. A standard measure of land.

Belligerency. In International law. The status of de-facto statehood attributed to a body of insurgents, by which their hostilities are legalised.

Benami. A transaction in the name of some other person. A transaction not for the benefit of the person taking part in it but for the person not mentioned or indicated.

Bench. The judges of a court of law.

Beneficial Interest. Profit, benefit, or advantage resulting from a contract or the ownership of an estate.

Beneficial Ownership. The person who enjoys or who is entitled to the benefit of property.

Beneficiaries. Persons for whose benefit a trust is created or property is held by trustees, executors etc.

Bequeath. To give personal property by will.

Bequest. Disposition as gift, of a person's personal property, by will. It may be either of the specific property or of the residue.

Bestiality. A sexual crime committed by a human being with an animal.

Bet. An agreement between two or more persons that a sum of money or other valuable shall become the sole property of one

BHA

of them on the happening of a future uncertain event, in one way or the other. It is same as wager.

Bhag. Division, portion or share of a property or thing.

Bid. In an auction sale, an offer given by a person to buy a thing at a given price.

Biddat. A term used under Mohammedan Law to denote a form of divorce.

Bigamy. Literally it means plurality of wives. It is a criminal offence to contract a second marriage, wilfully and knowingly, during the lifetime and subsistence of first one.

Bill. A letter, declaration or statement of particular things in writing. A bill becomes an Act when passed by legislature.

Bill of Exchange. A form of negotiable instrument. It is a written order or request by one person to another for the payment of money at a specified time.

Bill of Lading. A document signed and delivered by the master of a ship to the shipper on goods being shipped.

Bill of Rights. The assertion of political rights and liberties contained in a statute.

Bilti. It is a Hindi word used for railway receipt.

Black Cap. A square cap worn over the wig by a judge of the High Court when a sentence of death is passed.

Blackmail. The illegal extraction of money or money's worth from a person by threatening him to expose in the public. It is an offence.

Blank acceptance. A term used in negotiable instruments. The signing of a bill of exchange by the acceptor before the amount is filled.

Blank transfer. A transfer of shares which is executed without the name of the transferee being filled in.

Blockade. An act of war carried out by the warships to prevent access to or departure from a defined part of the enemy's coast.

Bona fide. In good faith, honestly. Nothing is bona fide which is not done with due care and attention. *Sohan Lal V. Poonam Chand.* A. I. R. 1961 Raj. 32.

Bona Vacantia. Goods without an apparent owner in which no one claims a property but the State e. g., wild beasts and animals etc.

Bond. A certificate or evidence of a debt. An instrument whereby a person binds himself to pay a sum of money to another.

Bonded goods. Dutiable goods in respect of which a bond for the payment of duty has been given.

Bonus shares. If a company declares a bonus out of undivided profits and allots to its shareholders in satisfaction of the bonus unissued shares in the company as fully paid up, the shares so allotted are capital and not income in the shareholder's hands.

Borstal School. A place of reformation of the adolescent offenders.

Bottomry. A term used in maritime law. A contract by which the owner of a ship borrows for the use, equipment, or repair of the vessel, and pledges the ship as security.

Bounty. A gratuity or premium payable by the Government either as reward or by way of charity.

Breach of contract. A breaking of the obligation imposed by a contract.

Breve. (A short thing). An original writ.

Bribery. Act of offering to or acceptance by a public servant of a reward or gratification to discharge the servant's duty in a particular way. See sections 161 to 165 and 213 to 215 of the Indian Penal Code. Also Prevention of Corruption Act.

Brief. A concise written document. A summary, abstract or epitome. The instructions furnished by a solicitor to a barrister to enable him to represent the client in proceedings in a court.

Broker. A mercantile agent employed for the purposes of sale and purchase of goods, shares etc., on a commission or brokerage.

Brothel. A place used for the purpose of prostitution.

Budget. A statement of estimated receipts and expenditure.

Buggery. Sodomy. The offence committed with mankind or with any animal, consisting of penetration *per anum*.

Building lease. A lease of land for the purpose of erecting a

BUR

building for a period usually of ninety-nine years, at a rent known as ground rent.

Burden of proof. The duty of proving one's case. The burden of proof lies on a person who alleges a fact. See section 101 of the Indian Evidence Act.

Burglary. Breaking or entering a dwelling house by night. See sections 445 and 446 of Indian Penal Code.

Business. Anything which occupies the time and attention and labour of a man, for the purpose of a profit is 'business'. Jessel, M. R., 50 L. J. Ch. 43. Section 2 of the Indian Partnership Act defines it as 'business includes every trade, occupation and profession'. A single commercial adventure or undertaking also amounts to business.

Butwara. A division or distribution of family assets among those who are entitled to get it.

Bye-laws. Regulations, ordinances, rules or laws adopted by an association or corporation.

C

C. I. F. (Cost, insurance, freight)

Calls. Demands upon the holder of partly paid up shares for payment of the balance or an instalment of it.

Camera. (Chamber) Private room for the judges behind the court room.

Canons. Rules of law.

Capacity. Fitness. See sections 11 and 12 of the Indian Contract Act.

Capias. In English law, a writ for the arrest of the person named therein, address to the sheriff of the country.

Capita. heads.

Capital. The word has different meanings when used in different connections. In Company Law it is the amount that the shareholder of a company has to subscribe to carry on the business of the company.

Capital Punishment. Punishment of death. It may be awarded as punishment for the following offences : (1) Waging war against the Government of India, Section 121. (2) Abetting mutiny actually committed, section 132. (3) Giving or fabricating false evidence upon which an innocent person suffers death, Section 194. (4) Murder, section 302. (5) Abetment of suicide of a minor or an insane or an intoxicated person, section 305. (6) Dacoity accompanied with murder, section 396. (7) Attempt to murder by a person under sentence of transportation if hurt is caused, section 397. (8) Death is the punishment that must be awarded for murder by a person under sentence of transportation, section 303.

Capitulations. In International law. Agreements, concluded between christian States on the one hand and non-christian countries on the other, under which certain immunities and privileges were secured to subjects of the christian States while in the territory of non-christian States.

Capture. A seizure of property or ship in war.

Carrier. One who undertakes to transport person or property. Carriers may be either common or private.

Cassetur Breve. Let the writ be quashed.

Caste. The sub division of Hindus.

Casting Vote. The deciding vote possessed by the chairman.

Catching Bargain. A contract made by a person taking advantage of the weakness and necessity of the other. A bargain on oppressive terms.

Causa Justa. A Roman term. A true or just cause, means, motive, or ground.

Causa Mortis. In contemplation of approaching death.

Causa Proxima non Remota spectatur. (The immediate cause

CAV

is to be considered and not the remote one, while assessing the damages or liability.)

Caveat. A warning.

Caveat Emptor. Let the buyer beware. Section 16 of the Indian sale of Goods Act deals with the principal of caveat emptor. It provides that the seller is not responsible for any defect in the goods or for its fitness for any purpose for which it has been purchased by the buyer in the market overt, except under the circumstances mentioned therein.

Caveat Venditor. Let the seller beware.

Censorship. The denial of the right of freedom of the press, and of all those rights and privileges which are available under a free government.

Census. The numbering of the inhabitants of the country.

Certificate. A written assurance or official declaration that some act has or has not been done, or that some legal formality has been complied with.

Certified Copy. A copy of a document, signed and certified as true copy by the officer to whose custody the original is entrusted.

Certiorari. (To be made certain in regard to) The name of a writ or inquiry. It can be issued, by the Supreme court of India under Article 32 or by the High Court under Article 226 of the Constitution, to subordinate court or the officer, who has acted without jurisdiction, or in excess of jurisdiction, or assumed a jurisdiction which it or he ought not to have assumed. See writ.

Cess. A Tax.

Cestui Que Trust. A person for whose benefit another is trustee : a beneficiary.

Chak. A group of land forming whole village.

Chakbandi. Resettlement of the boundaries of land. A term used in Indian law.

Champerty. A bargain by a stranger with a party to a suit, by which such third person undertakes to carry on the litigation at his own cost and risk, in consideration of receiving, if successful, a part of the proceeds or subject sought to be recovered. Champertous

contracts are void, on the ground of oppose to public policy, by section 23 of the Indian Contract Act.

Chancery. A court presided over by Lord Chancellor.

Charge. The word 'charge' has not been defined in the Criminal Procedure Code. It is a criminal accusation of a person. In property law—it is a form of security for the payment of a debt. Under section 9 (i) (iv) of Income Tax Act it means payment and not security.

Charge Sheet. A list of the particular offences committed and the names of the persons charged, sent to the Magistrate by a police officer.

Charterparty. A contract by which a ship is let to a merchant for the conveyance of goods on a determined voyage to one or more places.

Cheating. To obtain property by deceitful means. Section 415 of Indian Penal Code defines as "Whoever by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is liable to cause damage or harm to that person in body, mind, reputation or property is said to cheat."

Cheque. A bill of exchange drawn on a banker payable on demand. See section 6 Negotiable Instruments Act.

Chief Justice. The principal officer of a superior court of justice.

Chirograph. An instrument written out and subscribed by the hand of the party who made it.

Circuits. A division of the country, appointed for a particular judge to visit for the purposes of administration of justice.

Circumstantial Evidence. Evidence of indirect nature leading to an inference or conclusion.

Citation. The reference of decided cases in legal journals. Also asking a stranger to appear before the court.

Civil. Which is not pertaining to criminal or military.

ADM

Administrative Law. The law relating to the organisation, powers and duties of the administrative authorities—Dicey. It is that branch of public law which deals with the various organs of the Sovereign power and prescribes in detail the manner of their activity, being concerned with such topics as the collection of the revenue, the regulation of the army etc.

Administrator. A person to whom an authority to manage and control the estate of a deceased has been granted by the proper court. See Letters of Administration.

Administratrix. A female person to whom letters of administration are granted.

Admiralty Court. A court exercising jurisdiction in Admiralty matters e. g., bottomry, a salvage, maritime collisions.

Admiralty Jurisdiction. The jurisdiction to try offences committed on the High Seas is known as the admiralty jurisdiction. This jurisdiction is based on the principle that ships on the High Seas is a floating island belonging to the nation whose flag she is flying. According to Indian Penal Code Admiralty jurisdiction extends to, (a) offences committed on Indian ships on the high seas (b) offences committed on Indian ships in Indian territorial waters (c) Pirates.

Admissions. Statements oral or written made by or on behalf of a party to a suit, and admissible in evidence, if relevant, as against his interest. Section 17 of the Indian Evidence Act defines admissions as "An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact and which is made by any of the persons and under the circumstances herein after mentioned." Admissions made by accused persons in the criminal case are called confessions.

Admittance. On a charge of ownership of a copyhold, the new tenant has to be admitted by the Lord of the manor, who is always or nearly always entitled to a fine for admittance. This used to take place in a court attended by the tenants of the manor, but is now effected by a simple entry on the manorial roll by the manorial steward—Harms.

Adolescence. That age which follows puberty and precedes the age of majority. Under English law it commences, for males at

fourteen, and for females at twelve years, and continues until twenty-one years complete.

Adoption. The taking and receiving as one's own that to which he bore no prior relation, colourable or otherwise. It is the legalised recognition of a person as one's son. Chapter II of Hindu Adoption & Maintenance Act of 1956 deals with the provisions relating to adoption. Section 6 of the Act provides that an adoption shall be valid only if it is made in accordance with the provisions of this Act and that the person adopting has the capacity and the right to take in adoption, the person giving in adoption has the right to do so and the person adopted is capable of being taken into adoption. Section 7 empowers any male Hindu who is of sound mind and is not a minor to take a son or a daughter into adoption. Similarly section 8 provides that any female Hindu—who is of sound mind, who is not a minor and who is not married, or if married, whose marriage has been dissolved or whose husband is dead, or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind—has capacity to take a son or daughter in adoption. Regarding the persons capable of giving in adoption section 9 provides that “No person except the father or mother or guardian of a child shall have the capacity to give the child in adoption.” Further section 10 provides that no person shall be capable of being taken into adoption unless he or she is a Hindu, he or she has not been married, unless the custom or usage provides otherwise, and he or she has not completed the age of fifteen years.

Adoptive Act. An Act of parliament which does not become operative until adopted by a public body or a particular number of voters in an area.

Adult. One who has attained the age of majority according to section 2 of Act 25 of 1934.

Adultery. Sexual intercourse between a married man or married woman and any person of the opposite sex other than his or her wife or husband. Section 494 of the Indian Penal Code declares adultery an offence and provides that “Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, such sexual inter-

course not amounting to the offence of rape, is guilty of the offence of adultery." Adultery by either party is a ground for judicial separation or divorce. For living in adultery see A. I. R. 1938 Mad. 66.

Advance. To pay money or render other valuable before it is due ; to furnish some thing before an equivalent is received, to loan. The word 'Advance' does not connote any idea of repayment. *Rajah of Venkats Giri V. Rajarao Sri Krishnayya Rao* A. I. R. 1948 P. C. 150. Whereas the word lending does.

Advancement. In English law, money or property given by a parent to his child or, sometimes, presumptive heir, or expended by the former for the benefit of the latter.

Adventure. The sending of goods abroad at owner's risk in a ship. This term is used in maritime law.

Adverse claim. A claim by two persons against each other of the ownership of a certain property.

Adverse enjoyment. An enjoyment or an exercise of an easement or right or privilege under a claim or right against the owner of a property. See section 15 of the Indian Easement Act.

Adverse possession. An occupation of land inconsistent with the right of the true owner. If the adverse possession continues, the effect at the expiration of the prescribed period is that not only the remedy but the title of the former owner is extinguished. See *Prescription* in Indian Easement Act. To claim successfully the adverse possession vesting title in the possessor, the possession must be actual, visible, exclusive, hostile and continued during the statutory period of limitation.

Advice note. The document sent by the railway company to the consignee intimating that his goods have arrived and informing him that if the goods are not fetched away the company will only keep them as warehouseman and not as carriers, thereby reducing the liability of the railway company from absolute liability to liability only for negligence.

Advocate. One who pleads the cause of another in a judicial tribunal.

Aequitas. Equity.

Affidavit. A written declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation by the party making it, taken before an officer having authority to administer such oath. The difference between a "solemn affirmation" and affidavit is that the applicant is to solemnly affirm that the statements made in the petition are true to his own knowledge whereas in the case of an affidavit, it may be sworn by any person acquainted with the facts of the case.

Affiliation. Attached to ; The fixing of the paternity of a bastard child, and the obligation to maintain it.

Affray. Where two or more persons by fighting in a public place disturb the public peace, they commit an affray. It is an offence under the Indian Penal Code.

Affreightment. A contract made either by charterparty or by bill of lading, by which a shipowner agrees to carry goods in his ship for reward.

After Acquired. Acquired after a particular date or event.

After sight. This term as used in a bill payable so many days after sight, means after legal sight ; that is, after legal presentment for acceptance. See section 26 Negotiable Instruments Act. See Payment After sight.

Agency. This is a legal relation between a person called agent and another called the principal for whom he acts. An agency may be created expressly or impliedly.

The relation created by express or implied contract or by law, whereby one party delegates the transaction of some lawful business with more or less discretionary power to another, who undertakes to manage the affair and render to him an account. —Broom C. J. Actual agency exists where the agent is really empowered by the principal. Agency by estoppel is created by operation of law and established by proof of such acts of the principal as reasonably lead to the conclusion of its existence. The term agency of necessity is sometimes applied to the kind of agency which enables a wife to procure what is reasonably necessary for her maintenance and support on her husband's credit and at his expenses, when he fails to make proper provision for her necessities. See Chapter X of the Indian Contract Act.

AGE

Agent. A person employed to act on behalf of another. An agent is a person who is authorised to contract legal obligations and acquire legal rights on behalf of another person from whom his authority is derived.

Agister. A bailee for reward.

Agnates. Relation through descent from a common male ancestor as distinguished from cognate relations descended from a female ancestor.

Agreement. The concurrence of two or more persons in affecting or altering their rights and duties. The Indian Contract Act defines as "Every promise and every set of promise forming the consideration for each other is an agreement." The words "Lawful agreement" in Order XXIII Rule 3, Civil Procedure Code means exactly the same thing as the words "an agreement enforceable by law", in section 2(h) of the Indian Contract Act. Void agreement is one which cannot be enforced by law, e. g., agreements made without consideration except the three cases mentioned under section 25 of the Act, agreements in restraint of Trade, agreements in restraint of marriage, agreements in restraint of legal proceedings and agreements in the nature of wager etc.

Agriculture. It is the art or science of cultivating the ground, especially in fields, including the preparation of the soil, the planting of the seeds, the raising and harvesting of crops.

Agricultural Income. Indian Income Tax Act of 1961 defines agricultural income as, "(1) any rent or revenue derived from land which is used for agricultural purposes, and is either assessed to land revenue in India or is subject to local rate assessed and collected by officers of government as such ; (2) any income derived from such land by (a) agriculture, or (b) the performance by a cultivator or receiver of rent in kind of any process ordinarily employed by a cultivator or receiver of rent in kind to render the produce raised or received by him fit to be taken to market, or (c) the sale by a cultivator or receiver of rent in kind of the produce raised or received by him, in respect of which no process has been performed other than the process of the nature described in paragraph (b) of this sub-clause. (3) Any income derived from any building owned and occupied by the receiver of the rent or revenue of such land, or

occupied by the cultivator or the receiver of rent in kind, of any land with respect to which or the produce of which, any process mentioned in paragraph (b) and (c) of sub-clause (2) is carried on.

Provided that the building is on or in the immediate vicinity of the land and is a building which the receiver of rent or revenue or the cultivator, or the receiver of rent in kind by reason of his connection with the land, requires as a dwelling house, or as a store house, or other out building.

Ahfad. Descendants from males and females. (An Urdu term).

Aid. To help ; support, assist or strenghten.

Aimah. Religious men among Mahommedans. (An Urdu term)

Ainesse. In Frence feudal law, the right or privilege a of the eldest born ; primogeniture.

Alderman. A senior member of the governing body of a city, borough or country. (A term of English law)

Alia. In latin it means other thing. Uder Mahommedan law it is also called as Ila, means a vow to abstain from carnal knowledge of one's wife for four months so that it may have the effect of a divorce.

Alias. A false name. It has been derived from *Alias dictus* means otherwise called, indicating one was called by one or the other of two names.

Alias Writ. A second writ.

Alibi. (Elsewhere) A defence where an accused alleges that at the time when the offence, with which he is charged, was committed, he was elsewhere. *R. V. Littleboy* (1934) 2 K. B. 408.

Alienation. The power of the owner or tenant to dispose of his interest in real or personal property. Alienation may be voluntary, e. g., by conveyance or by will, or it may be involuntary, e. g., seizure under a judgment order for debt. Alienation privately of a property after it is attached by an order of the court is void. Section 64 of the Civil Procedure Code.

Alimony. This is a legal term used for an allowance in money paid by husband or wife to a spouse from whom he or she is

ALI

separated. Where the marriage is dissolved the guilty party may be ordered to pay a sum to the other for maintenance ; but this is not alimony though it is often called so. While divorce proceedings are pending, the court usually orders alimony to be paid by the husband to the wife. It is the allowance ordered by the court to be made to a wife from her husband's estate for her support in connection with a matrimonial suit.

Aliter. Otherwise.

Aliunde. From elsewhere.

Allegation. A statement or assertion of fact made in any proceeding, particularly a statement or charge which is, as yet, unproved.

Allegiance. The tie which binds the subject to the King in return for that protection which the King affords the subject ; the natural and legal obedience which every subject owes to the King. Breach of the allegiance is the basis of the crime of treason.

Alley. A narrow way designed for the special accomodation of the property it reaches.

Alliance. The relation or union between persons or families contracted by intermarriage ; affinity.

Allocation. Appropriation of a fund to particular persons or purposes. See Appropriation.

Allocatur. It is allowed. The certificate of the taxing officer as to the amount of costs allowed.

Allograph. A document not written by any of the parties thereto.

Allotment. The allocation or appropriation of property to a specific person called the allottee ; or the partition of the property among the several joint owners.

Alluvion. That increase of the earth on a shore or bank of a stream or the sea, by the force of the water as by a current or by waves, which is so gradual that no one can judge how much is added at each moment of time.

Allay. A nation which has entered into an alliance with another nation.

Alter the finding. The word 'alter the finding' in section 423 (1) (b) (2) Criminal Procedure Code cannot refer to a finding to which no sentence is attached. The finding and sentence go hand in hand, and the appellate court is given the power to alter the finding, but maintain the sentence or reduce the same.

Amalgamation. The merger of two or more companies or their undertakings.

Ambiguity. Doubtfulness, doubleness of meaning. Ambiguity may be either latent or patent. A patent ambiguity is one which is apparent on the face of the instrument, as where a blank is left. A latent ambiguity is one not apparent on the face of the instrument. But ambiguity must not be confused with unintelligibility.

Ambulatory. Revocable for the being. A will is ambulatory.

Amendment. A correction of some error or omission.

Amicus curiae. (a friend of the court) One who calls the attention of the court to some point of law or fact which would appear to have been overlooked.

Amensty. A pardon for offences. A general release or pardon as an act of grace unconditionally.

Anavrishti. Drought, absence of rain during the seasons.

Ancestor. One from whom a person lineally descended or may be descended. A former possessor.

Ancestral. Relating to ancestor or to what has been done by them.

Ancient lights. The rights of enjoyment of light uninterruptedly for twenty years. This is a right of easement.

Ancipitus usus. Of doubtful use.

Animus dedicandi. The intention of dedicating.

Animus et factum. The combination of the intention with the act.

Animus Quo. The intention with which.

Annuity. A yearly payment of a certain sum of money.

Ansapatra. A deed of partition among the members of a Hindu family. It is used in Hindu Law.

Antecedent. A term used in Hindi law. That which happened

ANT

before time ; a statement or proposition from which another is logically deduced. Antecedent debt means a debt incurred by a hindu prior to the birth of a son or other heir. See 3 L. A. 176.

Anti-nuptial. Before marriage.

Anumati. Permission or consent. (An Indian term)

Apararka. A commentator of Hindu Law who flourished in India after Vijnaneswara. His work is authority in the Beharas School of Hindu Law. See 37 All. 604.

Appeal. An application by a party to a superior court requesting it to set aside or reverse the decision given by a subordinate court. The term 'appeal' has not been defined in any Code. See Criminal Procedure Code for the provisions relating to appeal in criminal cases and Civil Procedure Code for civil appeals.

Appear. Appearing in a suit or proceeding.

Appellant. One who appeals.

Apportionment. Division in proportion to the interests of the parties. Sections 36, 37 and 109 of the Transfer of Property Act deal with apportionment.

Appraisement. Valuation of goods seized in execution.

Approbate and Reprobate. To blow hot and cold. A person is not allowed to take a benefit under an instrument and disclaim the liabilities imposed by the same instrument.

Appropriation. Satisfaction of debts out of the sums paid by the debtor to the creditor. The Indian Contract Act provides that a creditor is bound to appropriate the amount paid by the debtor towards the debt as specifically asked for by the debtor. It is the right of the debtor to get his payment appropriated in any debt he likes. But if the debtor fails to mention the debt towards which it is to be appropriated, then the creditor has a right to appropriate it against any debt he likes. A creditor has a right to appropriate an amount even towards time barred debts in the absence of specific instructions from the debtor. If both, the debtor and the creditor, fails to appropriate the amount than the law will appropriate it towards the debt which is first in time.

Approver. An accomplice in crime who undertakes to make a

full disclosure of the crime against his companions in guilt on a promise of a pardon being granted to him.

Arbitration. The submission for determination, of disputed matter, to private person selected in the manner provided by agreement and by law. The general law relating to arbitration is contained in the Arbitration Act. The decision of the arbitrator is called *award*.

Argument. The process by which inferences are drawn. An effort to establish belief by a course of reasoning.

Array. The whole body of jurors summoned to attend a court as they are arrayed or arranged on the panel.

Arrears. Money unpaid even though due time for payment has elapsed.

Arrest. To arrest a person is to deprive him of his liberty by some lawful authority, for the purpose of compelling his appearance to answer a criminal charge, or as method of execution. But arrest does not include imprisonment. An arrest can be made either under the civil law or under the criminal law.

Arsha. A term used in Hindu law and is the name of one of the eight forms of marriages.

Arson. The malicious burning of the house or outhouse of another. The wilful and malicious burning of the dwelling house of another or place of worship or public building belonging to railway, dock or post offices. Arson is an offence in India. See sections 435 and 436 Indian Penal Code.

Articles. Clauses or paragraphs of a document or agreement. A connected series of propositions ; a system of rules. The subdivisions of a document, code or book etc. A specification of distinct matters agreed upon. The regulations of a company e. g., articles of association.

Artificial person. An association which is invested with personality by law e. g., a corporation or company.

Artistic Work. According to the definition in clause (c), section 2 of the Copyright Act of 1957, artistic work means—(1) a painting, a sculpture, a drawing (including a diagram, map, chart or plan) an engraving or a photograph, whether or not any such work

possesses artistic quality, (2) an architectural work of art, and (3) any other work of artistic craftsmanship.

Section 3 (i) of the English Copyright Act of 1956 defines artistic work, as meaning a work of any of the following descriptions :—

(1) The following irrespective of artistic quality, namely paintings, sculptures, drawings, engravings and photographs ; (2) works of architecture, being either buildings or models of buildings ; (3) Works of artistic craftsmanship, not falling within either of the preceding paragraphs. Artistic according to Oxford dictionary means ‘pertaining to or befitting an artist’ and artist means ‘one skilled in the liberal learned arts ; one who is master of the liberal arts’. See *Burke & Margot Burke Ltd. V. Spicers Dress Designs* (1936) 1 All. E. R. 99, and also *Kenrick & Co. V. Lawrence & Co.*

Ascendant. The progenitors of a person in a direct line proceeding from father, grandfather and so on.

Asportation. The carrying away or removing goods.

Assassination. In its specific sense it means the murder of a prominent personage.

Assault. If a person makes a gesture or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he is about to use criminal force to that person. Section 351 Indian Penal Code. It is an intentional, unlawful offer of corporeal injury to another by force, or force unlawfully directed towards person of another, under such circumstances as create well founded fear of imminent peril, coupled with apparent present ability to execute attempt, if not prevented. Assault is also a tort consisting of an act of the defendant which causes plaintiff reasonable fear of the infliction of a battery.

Assembly. See unlawful assembly.

Assessment. The ascertainment of a person’s liability to taxation or rates or damages etc.

Assessee. Every person in respect of whom any proceeding has been taken for the assessment.

Assets. Property available for the inheritance of an heir or for the payment of his debts. Assets in section 73 of the Civil Procedure Code means the sale proceeds of the property received after it is being sold in execution proceedings.

Assign. To make over or set over to another. The transfer of a right in favour of another.

Assignment. A transfer or making over to another of the whole of any property, real or personal, in possession or in action, or of any estate or right therein. Choses in action such as debts can be assigned and sued for by the assignee on the following conditions : (1) that the assignment is absolute and not simply by way of exchange, (2) that the deed is in writing and signed by the assignor, and (3) that the debtor receives the notice of assignment.

Assise or Assize. (A sitting or session). A jury who is summoned by virtue of a writ to sit together and try the case.

Association. A society or combination existing for a common purpose ; a company. An association of twenty or more than twenty persons without being incorporated as a company is illegal.

Assumpsit. (He promised or undertook). An obsolete form of action at common law for damages for breach of any contract.

Asura. A form of marriage prevailing among Hindus.

Asylum. A common place of safety or protection. See Lunacy Act for definition.

Attachment. A seizure of property by a process of law. It is employed in ordinary cases of disobedience to an order, judgment etc., or other contempt of court committed in the course of a suit, or otherwise. The following are the provisions of Civil Procedure Code dealing with the different circumstances relating to attachment : For attachment of property of witnesses see Order XVI Rule 10 to 13. Attachment, in execution of a decree, after judgment Order XXI Rule 41. Attachment of agricultural produce Order XXI Rule 44. Attachment of salary Order XXI Rule 48. Attachment of partnership property Order XXI Rule 49. Attachment of negotiable instruments Order XXI Rule 51.

Attainder. The extinction of civil rights and capacities which formerly took place when capital punishment was awarded to a person who had committed treason or felony. It involved the forfeiture of the land and goods belonging to the criminal and the corruption of his blood, i. e., he became incapable of holding or inheriting land, or of transmitting a title by descent to any other person.

Attempt. An act done with intent to commit a crime, and

ATT

forming part of a series of acts which would constitute its actual commission, if it were not interrupted. Though an offence was not actually committed yet, under section 511 of the Indian Penal Code, an attempt to commit it will be punishable. The mere intention to commit a criminal offence is not a crime, nor is an act merely preparatory to the commission of an offence. But an actual attempt is punishable. It has been held in *State of U. P. V. Ram Charan* A.I.R. 1962 All. 395 that while, in our view, it is not possible to give a precise or exhaustive definition of 'attempt', it may be broadly stated that an intentional act which a person does towards the commission of an offence but which fails in its object through circumstances independent of the volition of that person is 'attempt'.

Attestation. The act of witnessing an instrument in writing, at the request of the party making the same, and subscribing it as a witness. Mortgage deeds and wills are required to be attested. According to sections 68 to 72 of the Indian Evidence Act a document required to be attested by law will have to be proved by atleast one attesting witness. A party to a document could not be a valid attesting witness also for the same document. A. I. R. 1954 Mad. 126.

Attorney. A person appointed by another to act in his place or represent him. Also persons admitted to practice in the court : they represent suitors who did not appear in person.

Attornment. The agreement by the tenant of land to hold his land from the transferor to the transferee, as "I Become the tenant of the purchaser."—Watson.

Auction. A public sale of property conducted by bidding by an officer appointed by court. See Indian Sale of Goods Act.

Aulad. A natural born as well as an adopted son. (An Indian term)

Autrefois Acquit. (Formerly acquitted). A special plea to bar a criminal prosecution that the prisoner has been already tried for the same offence before a court of competent jurisdiction and has been acquitted. See section 403 Criminal Procedure Code.

Autrefois Convict. (Formerly convicted). A special plea to bar a criminal prosecution, by which the prisoner alleges that he has been already tried and convicted for the same offence before a

court of competent jurisdiction. See section 403 of Criminal Procedure Code.

Average. The apportionment of loss incurred in mercantile transactions between persons suffering the loss and other persons concerned or interested.

Averment. An allegation in pleading.

Award. The finding or decision of an arbitrator upon the submission in an arbitration. See Indian Arbitration Act.

B

Back freight. Freight for the carriage of goods returned undischarged from the port to which consigned.

Bail. An accused person admitted to bail when he is released from the custody of officers of the law and is entrusted to the custody of persons known as his sureties, who are bound to produce him to answer, at a specified time and place, the charge against him, and who, in default of so doing, are liable to forfeit such sum as is specified when bail is granted.ailable offences are shown in the schedule of the Criminal Procedure Code. In non-bailable cases too, the court may enlarge the accused on bail.

Bailee. A person to whom the possession of goods is entrusted by the owner but not with the intention of transferring the ownership. See sections 148 to 181 of the Indian Contract Act.

Bailment. A delivery of goods on a condition, express or implied, that they shall be restored by the bailee to the bailor, or according to his instructions, as soon as the purpose for which they are bailed shall be answered.

BAI

Bailor. One who entrusts the goods to the bailee.

Balance order. An order served on a contributory of a company to pay up the balance of a call due from him.—Rawson.

Ballot. Any system of secret voting.

Bandhu. In Hindu Law it means a cognate relation. The bandhus may be either Atme bandhu or Pitra bandhu or Matra bandhu.

Bandit. An outlaw ; a man banned or put under a ban.

Bankrupt. A debtor whose estate is vested in a trustee for division amongst his creditors, pursuant to an order of the court adjudicating him bankrupt.

Bankruptcy. An English term for 'insolvency'. They are the proceedings in a court for the distribution of property of an insolvent person among his creditors and to relieve him of the unpaid balance of his liabilities. These proceedings commence with the commission of an act of insolvency, followed by a petition to the court for a receiving order for the protection of the estate. The property of the debtor then vests in an official receiver.

Bar. A partition across a court of justice. The dividing partition between the part reserved for the standing of the offenders and the other part of the judges. The Bar means the professional body of barristers.

Bar Council. The general council of the Bar.

Bargain and Sale. A contract or agreement between two parties for the sale of any estate followed by the payment of the agreed price.

Barrator. One who commits barratry.

Barratry. A term used in maritime law to denote one of the perils of the sea. It is an act committed by the master or crew of a vessel with the intention of causing injury to the owner or charterer.

Barren money. A debt without interest.

Barricade. An obstruction or blockade to prevent passage.

Barrister. An advocate, a counsellor learned in law admitted to plead in court of law. A member of one of the four Inns of Court.

Bastard. An illegitimate child, a child born out of an unlawful intercourse. He is not legitimised by subsequent marriage of the parties. A child begotten before marriage and born after the marriage is not a bastard.

Bastarda. A female bastard.

Battery. The actual striking or unlawful beating or other wrongful physical violence inflicted on a human being without his consent.

Bawdy house. A brothel.

Bay-Bil-Waffa. A mortgage by conditional sale. A term used in Mohammedan law.

Bearer. One who carries, bears or holds a thing. A person in possession of a bill of exchange or promissory note payable to bearer.

Beegah or Bigah. A standard measure of land.

Belligerency. In International law. The status of de-facto statehood attributed to a body of insurgents, by which their hostilities are legalised.

Benami. A transaction in the name of some other person. A transaction not for the benefit of the person taking part in it but for the person not mentioned or indicated.

Bench. The judges of a court of law.

Beneficial Interest. Profit, benefit, or advantage resulting from a contract or the ownership of an estate.

Beneficial Ownership. The person who enjoys or who is entitled to the benefit of property.

Beneficiaries. Persons for whose benefit a trust is created or property is held by trustees, executors etc.

Bequeath. To give personal property by will.

Bequest. Disposition as gift, of a person's personal property, by will. It may be either of the specific property or of the residue.

Bestiality. A sexual crime committed by a human being with an animal.

Bet. An agreement between two or more persons that a sum of money or other valuable shall become the sole property of one

BHA

of them on the happening of a future uncertain event, in one way or the other. It is same as wager.

Bhag. Division, portion or share of a property or thing.

Bid. In an auction sale, an offer given by a person to buy a thing at a given price.

Biddat. A term used under Mohammedan Law to denote a form of divorce.

Bigamy. Literally it means plurality of wives. It is a criminal offence to contract a second marriage, wilfully and knowingly, during the lifetime and subsistence of first one.

Bill. A letter, declaration or statement of particular things in writing. A bill becomes an Act when passed by legislature.

Bill of Exchange. A form of negotiable instrument. It is a written order or request by one person to another for the payment of money at a specified time.

Bill of Lading. A document signed and delivered by the master of a ship to the shipper on goods being shipped.

Bill of Rights. The assertion of political rights and liberties contained in a statute.

Bilti. It is a Hindi word used for railway receipt.

Black Cap. A square cap worn over the wig by a judge of the High Court when a sentence of death is passed.

Blackmail. The illegal extraction of money or money's worth from a person by threatening him to expose in the public. It is an offence.

Blank acceptance. A term used in negotiable instruments. The signing of a bill of exchange by the acceptor before the amount is filled.

Blank transfer. A transfer of shares which is executed without the name of the transferee being filled in.

Blockade. An act of war carried out by the warships to prevent access to or departure from a defined part of the enemy's coast.

Bona fide. In good faith, honestly. Nothing is bona fide which is not done with due care and attention. *Sohan Lal V. Poonam Chand.* A. I. R. 1961 Raj. 32.

Bona Vacantia. Goods without an apparent owner in which no one claims a property but the State e. g., wild beasts and animals etc.

Bond. A certificate or evidence of a debt. An instrument whereby a person binds himself to pay a sum of money to another.

Bonded goods. Dutiable goods in respect of which a bond for the payment of duty has been given.

Bonus shares. If a company declares a bonus out of undivided profits and allots to its shareholders in satisfaction of the bonus unissued shares in the company as fully paid up, the shares so allotted are capital and not income in the shareholder's hands.

Borstal School. A place of reformation of the adolescent offenders.

Bottomry. A term used in maritime law. A contract by which the owner of a ship borrows for the use, equipment, or repair of the vessel, and pledges the ship as security.

Bounty. A gratuity or premium payable by the Government either as reward or by way of charity.

Breach of contract. A breaking of the obligation imposed by a contract.

Breve. (A short thing). An original writ.

Bribery. Act of offering to or acceptance by a public servant of a reward or gratification to discharge the servant's duty in a particular way. See sections 161 to 165 and 213 to 215 of the Indian Penal Code. Also Prevention of Corruption Act.

Brief. A concise written document. A summary, abstract or epitome. The instructions furnished by a solicitor to a barrister to enable him to represent the client in proceedings in a court.

Broker. A mercantile agent employed for the purposes of sale and purchase of goods, shares etc., on a commission or brokerage.

Brothel. A place used for the purpose of prostitution.

Budget. A statement of estimated receipts and expenditure.

Buggery. Sodomy. The offence committed with mankind or with any animal, consisting of penetration *per anum*.

Building lease. A lease of land for the purpose of erecting a

BUR

building for a period usually of ninety-nine years, at a rent known as ground rent.

Burden of proof. The duty of proving one's case. The burden of proof lies on a person who alleges a fact. See 'section 101 of the Indian Evidence Act.

Burglary. Breaking or entering a dwelling house by night. See sections 445 and 446 of Indian Penal Code.

Business. Anything which occupies the time and attention and labour of a man, for the purpose of a profit is 'business'. Jessel, M. R., 50 L. J. Ch. 43. Section 2 of the Indian Partnership Act defines it as 'business includes every trade, occupation and profession'. A single commercial adventure or undertaking also amounts to business.

Butwara. A division or distribution of family assets among those who are entitled to get it.

Bye-laws. Regulations, ordinances, rules or laws adopted by an association or corporation.

C

C. I. F. (Cost, insurance, freight)

Calls. Demands upon the holder of partly paid up shares for payment of the balance or an instalment of it.

Camera. (Chamber) Private room for the judges behind the court room.

Canons. Rules of law.

Capacity. Fitness. See sections 11 and 12 of the Indian Contract Act.

Capias. In English law, a writ for the arrest of the person named therein, address to the sheriff of the country.

Capita. heads.

Capital. The word has different meanings when used in different connections. In Company Law it is the amount that the shareholder of a company has to subscribe to carry on the business of the company.

Capital Punishment. Punishment of death. It may be awarded as punishment for the following offences : (1) Waging war against the Government of India, Section 121. (2) Abetting mutiny actually committed, section 132. (3) Giving or fabricating false evidence upon which an innocent person suffers death, Section 194. (4) Murder, section 302. (5) Abetment of suicide of a minor or an insane or an intoxicated person, section 305. (6) Dacoity accompanied with murder, section 396. (7) Attempt to murder by a person under sentence of transportation if hurt is caused, section 397. (8) Death is the punishment that must be awarded for murder by a person under sentence of transportation, section 303.

Capitulations. In International law. Agreements, concluded between christian States on the one hand and non-christian countries on the other, under which certain immunities and privileges were secured to subjects of the christian States while in the territory of non-christian States.

Capture. A seizure of property or ship in war.

Carrier. One who undertakes to transport person or property. Carriers may be either common or private.

Cassetur Breve. Let the writ be quashed.

Caste. The sub division of Hindus.

Casting Vote. The deciding vote possessed by the chairman.

Catching Bargain. A contract made by a person taking advantage of the weakness and necessity of the other. A bargain on oppressive terms.

Causa Justa. A Roman term. A true or just cause, means, motive, or ground.

Causa Mortis. In contemplation of approaching death.

Causa Proxima non Remota spectatur. (The immediate cause

CAV

is to be considered and not the remote one, while assessing the damages or liability.)

Caveat. A warning.

Caveat Emptor. Let the buyer beware. Section 16 of the Indian sale of Goods Act deals with the principal of caveat emptor. It provides that the seller is not responsible for any defect in the goods or for its fitness for any purpose for which it has been purchased by the buyer in the market overt, except under the circumstances mentioned therein.

Caveat Venditor. Let the seller beware.

Censorship. The denial of the right of freedom of the press, and of all those rights and privileges which are available under a free government.

Census. The numbering of the inhabitants of the country.

Certificate. A written assurance or official declaration that some act has or has not been done, or that some legal formality has been complied with.

Certified Copy. A copy of a document, signed and certified as true copy by the officer to whose custody the original is entrusted.

Certiorari. (To be made certain in regard to) The name of a writ or inquiry. It can be issued, by the Supreme court of India under Article 32 or by the High Court under Article 226 of the Constitution, to subordinate court or the officer, who has acted without jurisdiction, or in excess of jurisdiction, or assumed a jurisdiction which it or he ought not to have assumed. See writ.

Cess. A Tax.

Cestui Que Trust. A person for whose benefit another is trustee : a beneficiary.

Chak. A group of land forming whole village.

Chakbandi. Resettlement of the boundaries of land. A term used in Indian law.

Champerty. A bargain by a stranger with a party to a suit, by which such third person undertakes to carry on the litigation at his own cost and risk, in consideration of receiving, if successful, a part of the proceeds or subject sought to be recovered. Champertous

contracts are void, on the ground of oppose to public policy, by section 23 of the Indian Contract Act.

Chancery. A court presided over by Lord Chancellor.

Charge. The word 'charge' has not been defined in the Criminal Procedure Code. It is a criminal accusation of a person. In property law—it is a form of security for the payment of a debt. Under section 9 (i) (iv) of Income Tax Act it means payment and not security.

Charge Sheet. A list of the particular offences committed and the names of the persons charged, sent to the Magistrate by a police officer.

Charterparty. A contract by which a ship is let to a merchant for the conveyance of goods on a determined voyage to one or more places.

Cheating. To obtain property by deceitful means. Section 415 of Indian Penal Code defines as "Whoever by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is liable to cause damage or harm to that person in body, mind, reputation or property is said to cheat."

Cheque. A bill of exchange drawn on a banker payable on demand. See section 6 Negotiable Instruments Act.

Chief Justice. The principal officer of a superior court of justice.

Chirograph. An instrument written out and subscribed by the hand of the party who made it.

Circuits. A division of the country, appointed for a particular judge to visit for the purposes of administration of justice.

Circumstantial Evidence. Evidence of indirect nature leading to an inference or conclusion.

Citation. The reference of decided cases in legal journals. Also asking a stranger to appear before the court.

Civil. Which is not pertaining to criminal or military.

Civil Proceedings. Proceedings relating to right of property.

Claim. The assertion of a right.

Clear days. Days excluding named first or last days.

Clearance. A declaration, certificate or permit issued by the custom authorities saying that the ship has fulfilled the custom requirements and is at liberty to sail out of the port.

Client. A person who seeks the counsel of an attorney or retains an advocate to represent him in the court.

Clog on equity of redemption. Any condition or provision fettering the mortgagor's right to redeem. In other words 'once a mortgage always a mortgage and nothing but a mortgage', hence any stipulation which is having the effect of preventing the mortgagor from getting back his property is void.

Close. A piece of land.

Club. A voluntary association of persons for purposes of a social, literary or political nature or the like. A club is not a partnership.

Code. A collection or compilation of existing laws.

Codicil. A supplement or an addition to a will to alter, explain, confirm or modify it.

Coemption. The act of purchasing the whole quantity of any commodity.

Coercion. Section 15 of the Indian Contract Act defines as "Coercion is the committing, or threatening to commit, any act forbidden by the Indian Penal Code, or the unlawful detaining or threatening to detain any property, to the prejudice of any person whatever, with the intention of causing any person to enter into any agreement.

Cogitationis poenam nemo patitur. A man cannot be punished for his thoughts and intents.

Cognate. Relations by the mother's side, or by females.

Cognizable Offence. An offence for which the offender can be arrested without warrant by a police officer.

Cognizance. Judicial notice or knowledge.

Cognovit. A document containing the confession of the liabilities of the defendant, authorising someone to enter judgment against him.

Cohabitation. Living together as husband and wife.

Co-heirs. Heirs of equal degree and more than one.

Collateral. By the side of ; at the side. Not lineal but upon a parallel or diverging line.

Collector. A representative of the state acting as the head of a district and who is responsible for the collection of revenues from the tenants of the state.

Collusion. An agreement between two or more persons to defraud a person of his rights or to injure him. An illicit secret understanding.

Commentaries. The authoritative explanations of statutes or other legal work by writers of jurists.

Commercial Law. That part of the common law which relates to commerce.

Commission. An agent's remuneration. An order or authority to do an act or exercise powers. The body charged with a commission.

Commissioners. Persons to whom commission is directed by the government or a court. A commissioner may be appointed to examine a witness or accounts or all such acts as he may be directed to do.

Committal. The sending of an accused person to prison temporarily for a short period.

Committee. A person or an assembly of persons to whom the consideration, determination or management of any matter is committed or referred.

Committing Magistrate. The magistrate who holds the preliminary inquiries and afterwards sends the accused to be tried by the court of sessions or by a High Court.

Common Carrier. A carrier who carries goods of all those who thinks fit to employ him for hire.

Common Law. That part of the law of England formulated,

developed and administered by the old common law courts, based on the common customs of the country, and originally unwritten.

Commoventes. Several persons dying together at the same time in consequence of the same calamity. In such cases death is presumed to have taken place in order of seniority.

Commutation. The conversion of the right to receive a periodical payment into the right to receive a fixed or gross payment.

Company. A body or association of individuals formed for one or more common objects. See Indian Companies Act, 1956.

Compensation. Payment of money by way of damages or indemnification. See Article 31 (2) of the Constitution of India. In it compensation means just equivalent in value. *Atulya Kumar De. V. Director of Procurement & Supply* A. I. R. 1953 Cal. 548.

Complainant. The person who makes a complaint to the court.

Complaint. A written charge made before a magistrate having jurisdiction that a person named, or an unknown person, has committed a specified offence, with an offer to prove, the fact to the end that a prosecution may be instituted.

Composition. An agreement between two or more persons for the payment of a sum by one to the other or others in satisfaction of some obligation. Also the settlement of a suit.

Compound. A compromise. To agree to accept a composition.

Compound Interest. Interest upon interest, e. g., interest levied upon a sum which is a combination of principal sum and interest.

Compoundable Offences. Offences capable of being compromised under the provision of Section 345 Criminal Procedure Code.

Compromise. An arrangement arrived at between parties to a dispute without interference of the court. It is always bilateral and means a mutual adjustment. *Kunji Lal V. Nathmal* A. I. R. 1957 Mad. B. 14 (D. B.)

Compulsory winding up. The winding up of a company by the orders of a court.

Compurgation. Wager of law.

Concealment. A suppression or withholding of something which one knows and for which he is bound to reveal. See section 17, Indian Contract Act.

Conclusive Proof. A proof which cannot be rebutted. See sections 4, 112 and 113 of the Indian Evidence Act.

Concubine. A woman who goes with a man outside lawful wedlock.

Concurrent Sentences. Where an accused is convicted of several offences and the court directs that the sentences shall be served together or at the same time.

Condemn. To fine or adjudge guilty. To declare a vessel as unfit for service.

Condition. A future and uncertain event upon the happening of which, the existence of an obligation is made dependent. A condition may be express or implied and is either precedent or subsequent.

Condonation. The conditional remission or forgiveness by the injured party of the guilty spouse with full knowledge of the offence committed. It is a full and absolute forgiveness and blotting out of a conjugal offence.

Confession. A voluntary admission of guilt by the person charged with the commission of a crime made to another. See sections 24 to 30 of the Indian Evidence Act.

Confidential Communications. Communications made in confidence e. g., between a party and his advocate, husband and wife etc. See Section 129, Indian Evidence Act.

Confiscation. The seizure of property as a punishment for the breach of law.

Conflict of Laws. The discordance between the law of one country and that of another country.

Conjugal Rights. The right which husband and wife have to each other's society, comfort and affection.

CON

Connivance. The secret or indirect consent of one person to the commission of an unlawful or criminal act by another.

Consanguinity. Relationship by blood e. g., relationship of persons having a common ancestor.

Consent. A concurrence of wills. In order that a contract is valid it must have been entered into with the free consent of the parties. See sections 13 and 14 of the Indian Contract Act.

Consideration. The inducement to a contract. Section 2 (d) of the Indian Contract Act defines consideration as "When at the desire of the promisor, the promisee or any other person has done or abstained from doing, or does or abstains from doing, or promises to do, or to abstain from doing, something, such act or abstinence or promise is called a consideration for the promise." According to English Law it is, "A valuable consideration in the sense of law, may consist either in some right, interest, profit or benefit accruing to one party, or some detriment, forbearance, loss or responsibility given, suffered or undertaken by the other." *Currie V. Misa* (1875) L. R. 10 Ex. 153.

Consolidated Fund. The fund formed by the public revenue and income of India. See Constitution of India.

Consolidation. Rearrangement of land, uniting the possession, occupancy or profits etc., of land with the property.

Conspiracy. It is an unlawful agreement between two or more persons to do an unlawful act. Section 120 (A) of the Indian Penal Code defines criminal conspiracy as "When two or more persons agree to do, or cause to be done—(1) an illegal act, or (2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy. The essence of 'conspiracy' is an agreement together with an overt act to do an unlawful act, or to do a lawful act in an unlawful manner. A partnership in criminal purposes.

Conspirators. Persons guilty of conspiracy.

Constituency. The area which has a separate representative for the Lok-Sabha or State Legislature.

Constitution. The organic and fundamental law of a body — State or nation. It may be either written or unwritten and rigid or flexible.

Constitutional Law. All rules which directly or indirectly affecting the distribution or exercise of the sovereign power—Dicey. So much of the law as relates to the designation and form of the legislative, the rights and functions of the several parts of the legislative body, the construction, office and jurisdiction of courts of justice—Paley.

Constructive Liability. The liability of one person for the acts done by another. Section 34 of the Indian Penal Code provides that, "When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone." In civil law a master is liable for the acts of his servant.

Constructive Trust. A trust which is raised by operation of law, without any intention of the parties to create such a trust.

Contempt of Court. Disobedience, resistance or insult to the court or its orders, rules or process.

Contingent. That which depends upon the happening or otherwise of an event. See section 31 of the Indian Contract Act for contingent contracts.

Contract. All agreements are contracts if they are made by the free consent of the parties competent to contract and are enforceable by law. An agreement is enforceable by law if (1) it is made for a lawful object, (2) for a lawful consideration, and (3) are not expressly declared to be void by the law.

Contravention. Violation of legal condition or obligation.

Contributory. Every person liable to contribute the amount unpaid on their shares to the assets of the company in the event of its being wound up. See Indian Companies Act.

Contributory Negligence. See Negligence.

Conversion. A wrongful assumption of right of ownership over the goods belonging to another and their alteration in condition.

Conveyance. A mode of transfer of property from one person to another.

Convict. To find a man guilty of an offence and to punish him. A condemnation after judicial investigation.

CON

Conviction. Declaring a person to be guilty of an offence after criminal trial.

Coparceners. Members of a joint hindu family entitled to succeed encestral property or to demand partition. A term used in Hindu law.

Copyhold. A kind of land holding.

Copy Right. The exclusive right possessed by an author of printing or otherwise multiplying copies of a published work like books etc. See Indian Copyright Act.

Coram non Judge. In the presence of a person other than a judge. Judgment given by him is a nullity.

Coroner. A person charged with the judicial and ministerial functions.

Corporation. A perpetual association of persons having a separate existence from the individuals composing it. It has a name and a common seal. See Company.

Corporeal Property. Property existing physically like goods, land etc.

Corpus Juris Civilis. The whole body of Roman law compiled in 529 A. D. to 545 A. D. by Tribonian, the law minister of Justinian, and divided into five parts.

Corroborate. To add weight to the already existing evidence by supporting evidence.

Counsel. An advocate. A person whose duty is to give advice.

Counter claim. A defendants' claim against the plaintiff.

Counterfeit. Imitation. To prepare falsely a coin resembling with that of the realm. It is an offence under the Indian Penal Code.

Court of Law. A duly constituted body administering the law of the State.

Covenant. A Contract creating an obligation, contained in a deed.

Creditor. A person to whom a debt is owed by another person.

Crime. An act or omission which tends to the prejudice of

the community and forbidden by law, and for which punishment can be inflicted.

Criminal. One who is charged with a criminal offence. Also anything pertaining to or connected with the law of crimes.

Cross action. Counter suit. An action brought by the defendant.

Cross-examination. The examination of a witness by the opposite party or by his counsel, after examination-in-chief. See Indian Evidence Act.

Culpable Homicide. Section 299 of the Indian Penal Code provides that "whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide". The difference between murder and culpable homicide is as follows :

Culpable Homicide

A person commits culpable homicide if the act by which the death is caused is done :

(a) With the intention of causing death ;

(b) With the intention of causing such bodily injury as is likely to cause death ;

(c) With the knowledge that the

Murder

Subject to certain exceptions, culpable homicide is murder, if the act by which the death is caused is done :

(1) With the intention of causing death ;

(2) With the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused ;

(3) With the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death ;

(4) With the knowledge that the

CUL

act is likely to cause death.

act is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death.

Culpa. Fault.

Custody. In the keeping of.

Custom. Uniformity of conduct of all persons under like circumstances. A long practiced unvariable habit.

Cypres. As near as possible.

D

Dacoity. When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit dacoity. Section 391, Indian Penal Code.

Dakhlanama. A document giving possession over land. (An Indian term)

Damage. Deterioration, loss or injury to person, property or right caused by the act of one person to another.

Damages. A compensation or indemnity in the form of money which may be recovered in the courts by the person who has suffered damage. When special damage is pleaded and awarded they are called special damages. Damages are said to be remote when, although arising out of the same cause of action, it does not

so immediately and necessarily flow from it as that the offending party can be made responsible for it.

Damdupat. A term of Hindu law. The amount of interest recoverable at any time must not exceed the principal.

Damnum sine injuria. No right to damages without injuries.

Dastawez. (An Indian term.) An instrument, a document.

Dattaka. Adopted (son). A term of Hindu law.

Daya bhag. One of the schools of Hindu Law which is of supreme authority among the Hindus of Bengal.

Days of Grace. Days allowed after the time limit, for the payment of money or doing some other act, has expired. For the payment of a Bill of Exchange 3 days of grace are allowed.

De die in diem. From day to day.

De facto. In fact.

De jure. By right.

De novo. A new.

De odio et atia. Of malice and ill will.

De son tort demesne. Of his own wrong.

Dead Freight. A term of Maritime Law. Freight payable by a charterer in respect of cargo not shipped.

Death-bed Gift. A term of Mohd. law. Gift by a person at the time of his death.

Debenture. An instrument issued by a company under seal as evidence of a debt or as a security for a loan of a fixed sum of money on interest. See Indian Companies Act, 1956 for detailed provisions.

Debt. Liability to pay money.

Deceit. Fraud.

Decision. A judgment of decree pronounced by a court in settlement of a controversy submitted to it and by way of an authoritative answer to the questions raised before it. (Black's law Dictionary).

Declaratory Judgment. A judgment declaring the rights of the parties as they existed at a particular time.

Declaratory Trust. A declaration by one who holds the property in trust for another.

Decree. An order of the court pronounced after the hearing of a civil suit. Where the proceedings of the court finally disposes of the suits so long it remains on the record, it is a decree—Petharam C. J. in 8 All. 111. The definition of the word decree provided by section 2 of the Civil Procedure Code includes all rejections of complaints either under the code or otherwise.

Decree nisi. A provisional decree.

Deed. A written instrument signed, sealed and delivered to prove the execution of the agreement between the parties.

Defamation. Defamation consists in the publication of a false and defamatory statement concerning another person without lawful justification—Salmond. A defamatory statement is one which has a tendency to injure reputation of the person to whom it refers ; which tends, that is to say, to lower him in the estimation of right thinking members of society generally, and in particular to cause him to be regarded with feelings of hatred, contempt, ridicule, fear, dislike or disesteem. Capital & Counties Bank Vs. Henty (1882) 7 App. Cas. 741. Defamation is of two kinds. It is libel when the defamatory statement is made in some permanent and visible form such as writing, painting and pictures etc. It is Slander when it is made in spoken words or in some other transitory form. The following are the defences available to an action for defamation : (1) Justification, (2) Absolute privilege, (3) Qualified privilege, (4) Fair comment, (5) Consent, (6) Apology.

Default. Neglect, omission or failure to perform some duty.

Defence. The facts on which the defendant relies.

Defendant. The person against whom an action has been brought. One who denies the allegations of the plaintiff.

Defraud. To practice fraud. A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise. Section 25, Indian Penal Code.

Del Credere. An agreement by which a factor, when he sells goods on credit, for an additional commission (called a del credere commission) guarantees the solvency of the purchaser and his performance of the contract. Such a factor is called a 'del credere

agent'. He is a mere surety liable to his principal only in case the purchaser makes default. (Black's Law Dictionary).

Delivery. Delivery of goods sold may be made by doing anything which the parties agree shall be treated as delivery or which has the effect of putting the goods in the possession of the buyer or of any person authorised to hold them on his behalf.

Delegatus non potest delegare. A delegate cannot delegate.

Demise. A grant by lease.

Demurrage. Extra rent for delay in clearing goods at the destination.

Deponent. The person who makes deposition.

Deportation. Expatriation.

Deposition. Evidence of a person on oath.

Derelict. Abandoning a thing at sea by those incharge of it.

Derogation. Limiting the scope of a law.

Descendant. Person representing his ancestor.

Desertion. Abandonment of someone who has a right over the person deserting. It is not from a place but from a state of things.

Detention. Keeping back or withhold a person or thing. In case of person it denotes the curtailment of liberty either by physical force or by inducement and persuasion.

Detinue. In tort. A claim for the specific return of the goods wrongfully detained.

Devasthanam. Belonging to or owned by a temple or idol. (An Indian term).

Deviation. A marine insurance term, denotes the intentional departure from the pre-determined course of a voyage.

Devolution. Passing of interest in property from the dead to the living.

Digest. A collection of rules.

Dilatory plea. Pleas to the jurisdiction of the court.

Director. One who directs or instructs the performance of a thing. Also the person elected by the shareholders of a company for its management.

Disability. Incapacity, either general or special to do any legal act.

Discharge. Release of an accused person, also from some liability. In section 7 of the Limitation Act the word discharge is not limited to discharge of monetary claim only but also to discharge or satisfaction of all other liabilities as well—*Sarda Prasad & others V. Lale Jumna Prasad & others* A. I. R. 1961 S. C. 1074. For distinction between discharge and dismissal see *Minerva Mills Ltd., V. Arbitration Tribunal* 4 D. L. R. (Mys.) 37 also *Chaman Lal Seth V. State of U. P.*, A. I. R. 1957 All 241.

Disclaimer. Renunciation.

Discovery. The extraction of information from the other party. See Order XI Schedule 1, Civil Procedure Code.

Disfiguration. Change in the personal appearance of a man by external injury. Disfiguration amounts to grievous hurt under section 320 of the Indian Penal Code.

Dishonour. When the acceptance of a bill of exchange is refused, or if accepted but payment is refused on its maturity, the bill of exchange is said to be dishonoured.

Disqualify. Unfit, legal incapacity.

Dissolution. Winding up or breaking up, closing of partnership or a company. See Indian Partnership Act,

Distress damage feasant. The right of an occupier of land to capture any cattle found unlawfully on his land and damaging it, and to detain them until he is paid for the loss he suffered.

Divest. To take away an estate or interest vesting in some one.

Dividend. The payment made to the shareholders of a company according to the shares held by them out of the profits.

Divorce. Dissolution of marriage. Section 13 of the Hindu Marriage Act XXV of 1955 provides that (1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party—(i) is living in adultery ; or (ii) has ceased to be a Hindu by conversion to another religion ; or (iii) has been incurably of unsound mind for

a continuous period of not less than three years immediately preceding the presentation of the petition ; or (iv) has, for a period of not less than three years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy ; or (v) has, for a period of not less than three years immediately preceding the presentation of the petition, been suffering from venereal disease in a communicable form, or (vi) has renounced the world by entering any religious order ; or (vii) has not been heard of being alive for a period of seven years or more by those persons who would have naturally heard of it, had that party been alive ; or (viii) has not resumed cohabitation for a space of two years or upwards after the passing of a decree for judicial separation against that party ; or (ix) has failed to comply with a decree for restitution of conjugal rights for a period of two years or upwards after the passing of the decree. (2) A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground—(1) in the case of any marriage solemnized before the commencement of this Act, that the husband had married again before such commencement or that any other wife of the husband married before such commencement was alive at the time of solemnization of the marriage of the petitioner : Provided that in either case the other wife is alive at the time of the presentation of the petition ; or (ii) that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality. Section 14 provides that no court shall entertain any petition for the dissolution of a marriage by a decree of divorce, unless three years have elapsed from the date of presentation of petition to the date of marriage.

Document. It denotes any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of those means, intended to be used, or which may be used, as evidence of that matter. Section 29 Indian Penal Code. See also Indian Evidence Act.

Doli capax. Capable of crime.

Doli incapax. Incapable of crime.

Domicile. "Residence by choice with the intention of the residence being permanent in a particular country." *The State V.*

DOM

N. M. Dayama A. I. R. 1958 Bom. 68 FB. That place which a person has voluntarily selected for the habitation of himself and his family.

Dominant Heritage. The land for the beneficial enjoyment of which the right exists. The land on which the liability is imposed is called the servient heritage.

Donatio mortis causa. A gift of personal property in anticipation of death.

Dormant. Silent, sleeping.

Dower. The money, estate or interest a wife gets out of the land or tenements of her husband for her support.

Dowry. The bride's portion on her marriage.

Draw back. The refund of custom duties paid at the time of exporting the goods.

Drawee. One to whom a bill of exchange is addressed.

Drawer. The person who signs a bill of exchange as the maker.

Due. A legal liability to return a thing² or repay a sum of money.

Duress. Actual or threatened violence or imprisonment. Pressure or intimidation.

E

Earnest. The payment of the part of the price of goods sold, or delivery of part of the goods to bind the contract.

Easement. A right enjoyed by the owner or occupier of land over the land which is not his own. Easement may be either continuous or discontinuous, apparent or non apparent and permanent or for a term of years. All easements are supposed to be acquired by grant, but actual and uninterrupted enjoyment of the easement immemorially or for twenty years or whatever period is required locally to acquire title to real estate by possession will give title to the easement.

Ecclesiastical Court. A court the chief office of which is a religious head.

Ejectment. An action which lay for the recovery of the possession of land after dispossessing another. The plaintiff in such actions cannot recover possession by showing lack of title in his opponent, but must depend upon the strength of his own title.

Ejusdem generis. Of the same kind or nature.

Election. The act of choosing or selecting one or more from a greater number of persons, things, courses or rights. The choice of an alternative.

Election Petition. Complaint of irregularities in election.

Emasculation. To deprive a person of masculine vigour is a kind of grievous hurt and is punishable under section 320 of the Indian Penal Code.

Embargo. A provisional arrest, seizure, stop or detention of ship by a State in its own ports.

Embezzlement. The conversion to his own use of a property belonging to his master or employer by a person entrusted with it or who has any dominion over it, in violation of his duty.

Emblements. The profits of a crop. A term used in English law.

Eminent Domain. Right of the state to use the property of its subjects for the public purposes.

Enactment. Any act or regulation passed by the legislatures of a State.

Encroachment. An unauthorised extension of a right over the property or rights of another.

Encumbrance. A charge or liability.

Endorsement. The writing of instructions at the back of the instrument. A sanction or approval. An endorsement on a negotiable instrument may either be in blank, in which case the name of the endorser only is written upon the instrument, or it may be in full in which case it should specify the person in whose name it is endorsed. Each person endorsing the negotiable instrument renders himself liable to all subsequent endorsers and holders for the amount thereof, if the drawer fails to pay on demand.

Entail. To settle or limit the succession to real property to create an estate tail. (Black's Law Dictionary)

Enticement. Inducing by persuasion.

Enure. To take place, to operate or to take effect.

Equitable. Just, that which is fair, in accordance with justice and good conscious.

Equity. Justness and fairness, also a system of jurisprudence. Maxims of equity are : (1) Equity acts in personam. (2) Equity will not suffer a wrong to be without a remedy. (3) Equity follows the law. (4) Equity looks to the intent rather than the form. (5) Equity looks that as done which ought to have been done. (6) Equity imputes an intent to fulfil an obligation. (7) Delay defeats equity. (8) He who comes into equity must come with clean hands. (9) He who seeks equity must do equity. (10) Where there are equal equities, the first in time prevails. (11) Where there are equal equities the law prevails. (12) Equality is equity.

Equity of Redemption. Equitable right of a mortgagor to redeem the mortgaged property after the legal right to redeem has been lost.

Escape. Running away from the lawful custody.

Escheat. The reversion of land to its ultimate owner when no one is otherwise legally entitled to make claim thereto.

Escrow. A written and sealed document delivered to a stranger to be delivered by him to the person for whom it is made, upon some conditions to be fulfilled.

Esquire. The degree next below that of Knight.

Estate. In law it has a variety of meanings; it may mean

the property of a living man, as also of a deceased person which passes to his administrators or heirs. *Fal Kaur V. Pala Singh* A. I. R. 1961 Punj. 391. An interest in land. Estates are divided into Real estate and personal estate.

Estoppel. Section 115 of the Indian Evidence Act defines estoppel as "When one person has, by his declaration, act or omission, intentionally causes or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing." Illustration : A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it. The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

Estoppel is a rule of civil action and it has nothing to do with the criminal proceedings. There are different kinds of estoppel : (1) Estoppel by matter of record ; (2) Estoppel by deed ; and (3) Estoppel in pais. To create an estoppel the declaration, act or omission must be of an unequivocal and unambiguous character. *Gajanan V. Nilo* (1904) 6 Bom. L. R. 864.

Eviction. Depriving a person of the possession of land by the process of law. Actual physical expulsion is not necessary to constitute an eviction.

Evidence. Legal means to prove or disprove any matter of fact. Evidence may be oral or documentary, primary or secondary, direct or indirect, circumstantial and hearsay.

Ex contractu. Arising from or out of a contract.

Ex curia. Out of court.

Ex delicto. Arising out of delict, tort, crime etc.

Ex gratia. As of favour, out of grace.

Ex officio. By virtue of the office.

Ex Parte. By or for one party.

Ex post facto law. Any law which makes an innocent act a crime after the act was committed.

Examination of witnesses. The interrogation of a witness on oath. The interrogation of a witness by the party calling him is called examination-in-chief, and the examination of the same witness by the other party after the examination-in-chief is over, is called cross examination.

Exception. A saving clause in a deed.

Exchange. "When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an exchange. Section 118 of the Transfer of Property Act. This definition is not restricted to immoveable properties only. An exchange can also be made of goods. A transfer by a husband to a wife in discharge of her claim to maintenance is not an exchange as the wife transfers no ownership in anything. *Madan Pillai V. Badrak ali* (1922) 45 Mad. 612, 617. The mode of transferring a property in exchange is the same as in the case of a sale.

Excise. Taxes and duties charged on articles manufactured at home like tobacco, liquors etc.

Execute. To complete, to fulfil, to perform.

Execution. To take the life of a convict sentenced to death. To carry out some act or an order made in a judicial proceedings.

Exhibit. Any document, article or thing produced for the inspection of the court as evidence and forming part of the court records, is called exhibit.

Expatriation. Loss of nationality and the acquisition of the nationality of some other country.

Extortion. Section 383 of the Indian Penal Code defines extortion as "Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits extortion". It is not necessary that the threat should be used, and the property received, by one and the same individual. To commit extortion is an offence.

Extradition. The surrender of a person who has committed a crime, by the authorities of one country to the authorities of the other country.

Extraterritoriality. A legal fiction by which the persons and things occupied and owned by a foreign sovereign, ambassador or public vessel are treated in law as part of his dominion and outside the jurisdiction and control of the state in which they really are.

Extrajudicial. Outside the judicial procedure.

Eye-witness. A person who has actually seen the facts.

F

F. O. B. Free on board.

Fabricating False Evidence. Section 192 of the Indian Penal Code defines the meaning of the word fabricating false evidence. It has three essential ingredients : (i) To cause any circumstance to exist, or make any false entry in any book or record, or make any document containing a false statement, (ii) doing any of these acts with the intention that it may appear in evidence in a judicial proceedings, or in a proceeding taken by law before a public servant or before an arbitrator, and (iii) doing any of these acts with the intention that it may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding. Section 193 provides that giving false evidence in any stage of a judicial proceeding, or fabricating false evidence for the purpose of being used in any stage of a judicial proceeding is punishable.

Fact. Fact means and includes anything, state of thing or relation of things capable of being perceived by the senses ; and

EAC

any mental condition of which any person is conscious. See Indian Evidence Act.

Fact in Issue. It means and includes any fact from which, either by itself, or in connection with other facts, the existence, non-existence, nature or extent of any right, liability or disability, asserted or denied in any suit or proceeding, necessarily follows. Whenever under the provisions of the law for the time being in force relating to Civil Procedure, any court records an issue of fact, the fact to be asserted or denied in answer to such issue, is a fact in issue. See Indian Evidence Act.

Factor. A mercantile agent. Though the brokers are also mercantile agents but they differ from factors in the sense that factors are entrusted with the possession as well as the right of the disposal of the property, whereas the brokers are employed to contract only.

Factory. A premises used for the manufacturing purposes. The word factory unless specially defined by statute is always used in connection with the place where some kind of manufacturing process is carried on. *S. M. Solay V. M. K. Sarode & others* A. I. R. 1959 Bom. 37.

Fair Comment. A fair comment on a matter which is of public interest or is submitted to public criticism is not actionable—Salmond. A comment based on true facts and not inspired by malicious motive or ill will is a fair comment. In order to plead the defence of fair comment successfully, it must be proved that the words complained of are comment, they are fair comment and that they are on a matter of public interest. The burden of proving that a comment is fair is on the defendant.

False Charge. Charging a person with an offence without just and lawful ground. See section 211 of the Indian Penal Code and also *Raghavendra V. Kashinathbhat* (1894) 19 Bom. 717, 725.

False Demonstration non Nocet. When the part of a description in a document is true and the true part describes the subject with sufficient certainty, the part which is false does not vitiate the document.

False Personation. Personation for the purpose of cheating.

False Imprisonment. Wrongfully depriving a person of his

personal liberty. Arresting or imprisoning a person or preventing him from the exercise of his right to leave the place in which he is, without lawful justification, amount to false imprisonment. If a person is allowed to go as far as he pleases in all the directions except a particular direction, it is not a false imprisonment. If a person is imprisoned in an unauthorised place or longer than the lawful imprisonment, it is false imprisonment. False imprisonment differs with the malicious prosecution.

False Representation. See Misrepresentation.

Family. It may be taken to mean the collective body of persons who live in one house and under one head or manager and includes within its fold a household consisting of parents, children and servants and the lodgers and boarders. *Asha Bibi V. Nasibba Sahib* A. I. R. 1957 Mad. 583. The word 'family' in its popular sense means children. *Deoki Nandan V. Murlidhar* A. I. R. 1957 S. C. 133.

Federal State. A state having a written constitution apportioning the sovereign powers between Central legislature and a system of local legislatures in such a way that each is sovereign within its own sphere.

Fee. Occupational charges, reward or compensation for service. There is an essential difference between fee and tax. Fees may be payable to any body whereas taxes are paid only to the State. The taxes must not be for the services rendered by the state but fee must be for the services rendered to the person paying it.

Felony. A species of crime in common law, ranking in seriousness below treason and above misdemeanours. Murder, larceny, bigamy etc., are felonies.

Feme Covert. A married woman.

Feme Sole. An unmarried woman.

Fiction, Legal. Any assumption which conceals, or affects to conceal, the fact that a rule of law has undergone alteration, its latter remaining unchanged, its operation being modified. (Maine)

Fiduciary. A relationship in which one person is bound to

FIL

exercise rights and powers in good faith for the benefit of the other.

Filius Nullius. (son of nobody), an illegitimate child.

Finding. The result or conclusion arrived at in respect of an issue by a court.

Fine. The pecuniary punishment imposed on an offender.

Firm. An association of persons who have entered into partnership to carry on some business.

Fixture. Anything that is attached to the freehold, so as to become part of it, and therefore to become reality. A thing is deemed to be affixed to land when it is attached to it by roots, imbedded in it, permanently resting upon it, or permanently attached to what is thus permanent, as by means of cement, plaster, nails, bolts or screws. *Big Sespe Oil Company V. Cochran.* (Black's Law Dictionary)

Floating Charge. A charge on the floating assets of a going concern. It remains dormant until the company ceases to be a going concern. A floating charge crystallises when a liquidator is appointed or winding up commences. See Indian Companies Act 1956.

Force. Section 349 of the Indian Penal Code defines force as—A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: Provided that the person causing the motion, or change of motion, or cessation of motion in one of the three ways hereinafter described. First—By his own bodily power. Secondly—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person. Thirdly—By inducing any animal to move, to change its motion, or to cease to move.

Force is said to be criminal when it is used without consent

and in order to the committing of an offence, or when it is intentionally used to cause injury, fear or annoyance to another to whom the force is used. See section 350 of the Indian Penal Code.

Foreclosure. Section 67 of the Transfer of Property Act provides that, "In the absence of a contract to the contrary, the mortgagee has, at any time after the mortgage money has become due to him, and before a decree has been made for the redemption of the mortgaged property, or the mortgage money has been paid or deposited as hereinafter provided, a right to obtain from the court a decree that the mortgagor shall be absolutely debarred of his right to redeem the property, or a decree that the property be sold.

A suit to obtain a decree that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called a suit for foreclosure.

Foreign Judgment. A judgment given by a foreign court.

Forestall. To obstruct a way by force.

Forfeiture. The confiscation or seizure of land, goods or other property as a penalty for some breach of law. Forfeiture of property is a punishment, prescribed for the offender, under section 53 (fifthly) of the Indian Penal Code. See also sections 206 and 207 of the Indian Penal Code.

Forgery. 'Whoever makes any false document or part of a document, with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.' Section 463, Indian Penal Code.

Forma Pauperis. A special privilege accorded by the Civil Procedure Code to a person, who is unable to meet the expenses of the case like court fee etc., to carry on litigation without paying them. See Pauper.

Forward Contracts. A contract for the sale or purchase of goods in which the delivery of the goods and the payment of price is postponed till some future date.

Foujdari Adalat. An Indian term denoting criminal courts.

Franchise. A special privilege conferred on the individuals by the government of a country.

Fraud. Obtaining an advantage by unfair or wrongful means. Fraud as applied and understood by law courts has defied all attempts at definition even by eminent jurists. It is infinite in varieties. It has many wrappings and disguises. Section 17 of the Indian Contract Act provides that "Fraud means and includes any of the following acts committed by a party to a contract, or with his connivance, or by his agent, with intent to deceive another party thereto or his agent or to induce him to enter into the contract :—(1) The suggestion, as to a fact, of that which is not true by one who does not believe it to be true ; (2) the active concealment of a fact by one having knowledge or belief of the fact ; (3) a promise made without any intention of performing it ; (4) any other act fitted to deceive ; (5) any such act or omission as the law specially declares to be fraudulent. Explanation—Mere silence as to facts likely to affect the willingness of a person to enter into a contract is not fraud, unless the circumstances of the case are such that, regard being had to them, it is the duty of the person keeping silence to speak, or unless his silence is, in itself equivalent to speech. Illustrations : (a) A sells, by auction, to B a horse which A knows to be unsound. A says nothing to B about horse's unsoundness. This is not fraud in A. (b) B is A's daughter and has just come of age. Here, the relation between the parties would make it A's duty to tell B if the horse is unsound. (c) B says to A—"If you do not deny it, I shall assume that the horse is sound. A says nothing. Here A's silence is equivalent to speech.

Fraudulently. Doing a thing with the intent of defraud.

Fraudulent Preference. A payment or conveyance to a creditor with the intention of giving him a preference over the other creditors within a particular period before the insolvency, by a debtor is called fraudulent preference and as such it is void.

Free Consent. A consent is said to be free when unlawful means like fraud, coercion, misrepresentation etc., are not employed in obtaining it. See section 14 of the Indian Contract Act.

Freight. The reward payable for carrying goods from one place to another.

Frustration. The discharge of a contractual obligation rendered impossible of performance by external causes beyond the contemplation of the parties. Section 56 of the Indian Contract Act provides that 'An agreement to do an act impossible in itself is void'. A contract to do an act which, after the contract is made, becomes impossible, or by reason of some event which the promisor could not prevent, unlawful, becomes void when the act becomes impossible or unlawful. Where one person has promised to do something which he knew, or, with reasonable diligence, might have known, and which the promisee did not know to be impossible or unlawful, such promisor must make compensation to such promisee for any loss which such promisee sustains through the non performance of the promise.

Full age. See Infant.

Future Estate. An estate which is not now vested in the party, but to come into his possession at some future time.

G

Gage. A security or pledge.

Gahan. A kind of mortgage.

Gambling. Same as gaming.

Gaming. Playing a game depending upon the chance, whether lawful or unlawful. **Wager.** "A wager is a promise to give money or money's worth upon the determination or ascertainment of an uncertain event; the consideration for such a promise is either

GAM

something given by the other party, or a promise to give upon the event determining in a particular way"—Anson.

Gaming House. Place where gambling goes on. To keep a gambling house is an offence.

Gandharva. One of the eight forms of marriage among Hindus.

Gang. A group of persons engaged in unlawful activities.

Garnish. To warn.

Garnishee. An order obtained by the judgment creditor addressed to a stranger who owes money to the judgment debtor, asking him to pay it to the judgment creditor and not to his own creditor.

Gazette. The official organ of the government.

General Average. A term used in maritime insurance. The complete loss or damage of a thing insured.

General Damages. Damages which can be awarded without the proof of any special injury; and to which the law presumes to follow from the wrong complained of.

General Warrant. A warrant without indicating the name of the particular person. It can be executed upon all persons covered by a description mentioned in the warrant. For instance the authors of the seditious libel.

Geneva Conventions. International agreements entered into at Geneva.

Gift. It is the transfer of certain existing moveable or immoveable property made voluntarily and without consideration by one person called the donor to another called donee and accepted by or on behalf of the donee. See Transfer of Property Act. The gift of immoveable property must be made only by registered deed.

Good Faith. Indian Penal Code defines it as nothing is said to be done or believed in good faith which is done or believed without due care and attention. If a thing is done honestly, it is deemed to be done in good faith. *State of Rajasthan V. Rikhab Chand A. I. R. 1961 Raj. 64.*

Goods. As defined in section 2(7) of the Indian Sale of Goods Act: "Goods means every kind of moveable property other than

actionable claims and money ; and includes stock and shares, growing crops, grass and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale."

Goodwill. It has been held in *Inland Revenue Commissioner V. Miller & Co. Margarine Ltd.* 1901 A. C. 217 by Lord Macnaghten that "goodwill is a thing easy to describe and difficult to define. It is the benefit and advantage of the good name, reputation and connection of a business. It is the attractive force which brings in customer. It is one thing which distinguishes an old established business from a new business at its first start.....If there is one attribute common to all cases of goodwill it is the attribute of locality, for goodwill has no independent existence. It cannot subsist by itself. It must be attached to a business. Destroy the business, and the goodwill perishes with it, though elements remain which may perhaps be gathered up and be revived again. See also *Messrs. S. C. Cambatta & Co. V. E. P. T. Commissioner* A. I. R. 1961 S. C. 1010.

Grant. Conveyance of property by means of a deed from one person to another.

Gratification. A reward to a public servant to do an act which is contrary to his duties.

Gray's Inn. One of the four Inns of Court.

Grievous Hurt. "Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt." Section 319 of the Indian Penal Code. The following kinds of hurt only are designed as grievous : First—Emasculation. Secondly—Permanent privation of the sight of either eye. Thirdly—Permanent privation of the hearing of either ear. Forthly—Privation of any member or joint. Fifthly—Destruction or permanent impairing of the powers of any member or joint. Sixthly—Permanent disfiguration of the head or face. Seventhly—Fracture or dislocation of a bone or tooth. Eighthly—Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain or unable to follow his ordinary pursuits. Section 320.

The line between culpable homicide not amounting to murder and grievous hurt is a very thin line. In one case the injuries

must be such as are likely to cause death ; while in the other case the injuries must be such as endanger life. *Government of Bombay V. Abdul Wahab* (1945) 47 Bom. L. R. 998 (F. B.)

Guarantee. A collateral promise to answer for the debt, default or miscarriage of another. "A contract of guarantee is a contract to perform the promise, or discharge the liability, of a third person in case of his default. The person who gives the guarantee is called 'the surety', the person in respect of whose default the guarantee is given is called the 'principal debtor', and the person to whom the guarantee is given is called the 'creditor'. A guarantee may be either oral or written." Section 126, Indian Contract Act.

Guardian. As defined by section 4 (b) of The Hindu Minority and Guardianship Act (XXXII of 1956) "Guardianship means a person having the care of the person of a minor or of his property or of both his person and property, and includes (i) a natural guardian, (ii) a guardian appointed by the will of the minor's father or mother, (iii) a guardian appointed or declared by a court, and (iv) a person empowered to act as such by or under any enactment relating to any court of wards." "The natural guardian of a Hindu minor in respect of minor's person as well as in respect of minor's property are (a) in the case of a boy or an unmarried girl—the father and after him, the mother ; provided that the custody of a minor who has not completed the age of five years shall ordinarily be with mother ; (b) in case of an illegitimate boy or an illegitimate girl—the mother, and after her, the father ; (c) in the case of a married girl—the husband. Provided that no person shall be entitled to act as the natural guardian of a minor under the provisions of this section—(1) if he has ceased to be a Hindu ; or (2) if he has completely and finally renounced the world by becoming a hermit or an ascetic. Section 6. The natural guardianship of an adopted son who is a minor passes, on adoption, to the adoptive father and after him to the adoptive mother. Section 7. "A minor shall be incompetent to act as guardian of the property of any minor." Section 10.

Guilty. A person who has committed an offence.

H

Habeas Corpus. (Have the body). It is a kind of writ which can be issued by the High Court under section 491 of the Criminal Procedure Code or under Article 226 of the Constitution. Section 491 of the Criminal Procedure Code provides that "(i) Any High Court may, whenever it thinks fit, direct—(a) that a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law ; (b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty ; (c) that a prisoner detained in any jail situated within such limits be brought before the Court to be either examined as a witness in any matter pending or to be inquired into in such Court ; (d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively ; (e) that a prisoner within such limits be removed from one custody to another for the purpose of trial ; and (f) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Habitual Criminal. A person who has been persistently leading a dishonest or criminal life.

Hadis. A term used in Mahommedan law. The traditional sayings and doings of Prophet Mahommed which subsequently became the sources of Mahommedan Law.

Haqua. A legal right or claim. An Urdu term.

Half Blood. Relationship between persons having a common mother but different father.

Hanafi. One of the Sunni Schools named after Abu Hanifa.

Hearing. The trial of a suit or action. Though the trial does

HEA

not include the stage of judgment but the word 'hearing' includes the stage of delivery of the judgment.

Hearsay Evidence. A statement made by a person on the authority of another. Normally it is inadmissible in evidence being a second-hand evidence.

Heir. One who is entitled to succeed to the ancestral property by right of blood. In *Gulzar Singh V. Smt. Tej Kaur* A. I. R. 1961 Punj. 288 their Lordships observed that ".....the word 'heir' must in my opinion, be construed in a broad and general sense so as to include all those on whom the estate of the deceased devolves whether on intestacy or by means of testamentary instrument like a will".

Held. Decision given by a court.

Hereditament. Every kind of property capable of being inheritance.

Hereditary Interest. An interest acquired by inheritance.

Hiba. An Urdu term used in Mahommedan Law and means a gift.

Hibanama. A gift deed. An Urdu term.

Hire Purchase. Goods obtained on hire which become the absolute property of the hirer on paying the last of the instalments agreed to be paid by him. The person hiring the goods has an option either to keep the goods or to return them after certain duration. Until the option to keep the goods is exercised, the hirer remains only a bailee, but after it is exercised, he becomes the absolute owner. See Section 4 of the Indian Sale of Goods Act, and also report of the Law Commission of India on Hire Purchase.

Holder in Due Course. One who takes an apparently regular and complete bill of exchange, before it is overdue and without notice of dishonour, in good faith and for value, without notice of any defect of the title of the transferor. He holds it free from any defect of title of prior parties.

Holding Company. A company having a subsidiary company.

Holding Out. A person, who allows himself to be represented as a holder of certain capacity, and who is accepted by others as such, is estopped from denying the truth of such representation.

For Partnership by holding out see Indian Partnership Act, section 29.

Homicide. The killing of a human being. See Culpable Homicide.

House Breaking. "A person is said to commit 'house-breaking' who commits house trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described ; or if, being in the house or any part of it for the purpose of committing an offence, or, having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say :— firstly—If he enters or quits through a passage made by himself, or by any abettor of the house trespass, in order of the committing of the house trespass. Secondly—If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance ; or through any passage to which he has obtained access by scaling or climbing over any wall or building. Thirdly—If he enters or quits through any passage which he or any abettor of the house trespass has opened, in order to the committing of the house trespass by any means by which that passage was not intended by the occupier of the house to be opened. Fourthly—If he enters or quits by opening any lock in order to the committing of the house trespass, or in order to the quitting of the house after the house trespass. Fifthly—If he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault. Sixthly—If he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass. Explanation—Any out house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section." Section 445 of the Indian Penal Code.

House Trespass. Section 442 of the Indian Penal Code provides that, "Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling, or any building used as a place for worship, or as a place for the custody of property, is said to commit 'house-trespass'.

HUN

Hundi. A bill of exchange.

Hurt. Bodily pain, disease or infirmity.

Hypotheca. A charge on the property of the debtor in favour of a creditor.

I

I. O. U. An abbreviation for 'I owe you'.

Ibid. In the same place. (short form of Ibidem)

Iddat. A term of Mahommedan law. The time of seclusion or probation which the divorced woman have to pass before she is entitled to marry again. This period is for determining whether she is pregnant or not. A marriage performed during iddat is illegal. The period of iddat is four months and ten days and she is entitled for maintenance during this period.

Idem. The same.

Identification Parade. The mixing of the accused person in a group of persons and asking a witness to identify the accused in order to test the correctness of the statement given by the witness.

Idiot. The absence of understanding, with lucid intervals, from birth. A natural fool.

Ignorantia facti excusat. Ignorance of fact is an excuse.

Ignorantia juris non excusat. Ignorance of law is no excuse.

Ikbāl. Acceptance. (An Urdu term.)

Ikrār. A promise, an agreement. (An Urdu term.)

Ikrarnama. An agreement in writing. (An Urdu term.)

Illegal. An act prohibited or forbidden by law. "The word 'illegal' is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action :

and a person is said to be legally bound to do whatever it is illegal in him to omit." Section 43 of the Indian Penal Code.

Illegitimate. Contrary to law. A child born of parents not legally married at the time of the birth of the child.

Illicit. Unlawful or prohibited.

Illicit Connection. Illegal or unlawful intercourse by a man with a woman.

Imamia. A Code of Mahomedan law applicable to shias.

Imbecile. Persons incapable of managing their own affairs due to mental defects, not from birth.

Immemorial. Beyond memory.

Immigration. The going into another country with the intention of permanently settling there.

Immoral. An act contrary to the rules and principles of morality. Shameless.

Immoral Contracts. Contracts, the consideration in which is immoral.

Immoveable. Property which from its nature incapable of being moved like land, house etc.

Immunity. Exemption from the operation of law.

Impanel. To write the names of the persons in the list of jurors.

Impeachment. To charge with a liability. An accusation of a great public offence, specially against a person holding a very high public office.

Impediments in Law. Legal disabilities. Persons who cannot sue or be sued in a court of law.

Impertinence. Mentioning of unnecessary or irrelevant allegations in a pleading.

Implead. To sue or to prosecute a person.

Implements. Articles employed or used in trade, agriculture or business.

Implied Trust. A trust not founded expressly but implied by law according to the intention of the party.

Impose. Actual levy.

Impotency. Inability to perform sexual intercourse. Incurable impotency is a good ground for getting the marriage declared to be void.

Impound. To seize. To put distrained cattle or other goods in the custody of the pound keeper, who will return the same to the owner only after imposing a penalty.

Imprisonment. The confinement of a person as a punishment. The restraint of a man's personal liberty under the custody of somebody. Imprisonment is of two kinds : first is the rigorous in which the offender is put to hard labour and the second is the simple imprisonment in which the offender is not put to any kind of work but simply confined in the prison. See section 53 (fourthly) of the Indian Penal Code.

Impube. Below the age of puberty.

In ambiguo. In doubt.

In articulo mortis. At the time of death.

In autre droit. In anothers right.

In blank. An endorsement on a bill of exchange in blank.

In camera. The hearing of a case in chamber i.e., the private room.

In capita. To the heads.

In case. In the event of.

In charge of. In the custody or management of.

In chief. Principal.

In consimili casu. An old English writ.

In Curia. In the open court.

In custodia legis. In the legal custody.

In diem. For a day.

In excambio. In exchange.

In exitu. In issue.

In fact. In deed, actual, real.

In fraudem legis. In fraud of the law.

In full. Whole or complete.

In futuro. In the future.

In gremio legis. In the bosom of the law.

In hoc. In respect to this.

In infinitum. Infinitely.

In initio. At the beginning or in the beginning.

In jura. In law.

In media res. Into the heart or middle of the subject.

In nomine. In the name of.

In perpetuum. For ever.

In perpetuity. Endless duration.

In personam. Rights available against a specific person.

In pursuance of. In accordance with.

In re. In the matter of.

In rem. Rights available against the world at large. Rights available against or with reference to no specific person. It is opposite of 'In Personam'.

In respect of. Relating to.

In stirpes. This term is used in the law of intestate succession. Means succession according to the roots or branches or by representation.

In toto. Whole, complete.

In transitu. In the course of transit.

Inadmissible. That which cannot be admitted or accepted under the rule of law.

Inalienable. Property which cannot be transferred or alienated.

Incapacity. Lack of capacity. Incompetency. Minority and unsoundness of mind are the incapacities to enter into a contract. See sections 11 and 12 of the Indian Contract Act.

Incest. Sexual intercourse by a person with his daughter, sister, or mother. A union between the prohibited degrees of relationship.

Inchoate. Imperfect or incomplete.

Incite. To instigate.

Incitement. To abet or to instigate to commit a crime. It is an offence under the Indian Penal Code.

Income-tax. Income tax is a tax on the income of a person. The law relating to Indian Income tax will be found in the Indian Income-Tax Act of 1961. Section 2 sub-section 24 of the Act defines income as "Income includes—(i) Profits and gains ; (ii) dividend ; (iii) the value of any prerequisite or profit in lieu of salary taxable under clauses 2 and 3 of section 17 ; (iv) the value of any benefit or prerequisite, whether convertible into money or not, obtained from a company either by a director or by a person who has a substantial interest in the company, or by a relative of the director or such person, and any sum paid by any such company in respect of any obligation which, but for such payment, would have been payable by the director of other person aforesaid ; (v) any sum chargeable to income tax under clause (ii) and (iii) of section 28 or section 41 or section 59 ; (va) the value of any benefit or prerequisite taxable under clause (iv) of section 28 ; (vi) any capital gain chargeable under section 45 ; (vii) the profits and gains of any business of insurance carried on by a mutual insurance company or by a cooperative society, computed in accordance with section 44 or any surplus taken to be such profits and gains by virtue of provisions contained in the first schedule ; (viii) any annuity due, or commuted value of any annuity paid, under the provisions of section 280 D. The next question that arises is that who are the persons liable to pay income-tax. Sub-section 7 and 31 of section 2 defines 'Assessee' and 'Person' in the following terms. (7) "Assessee" means a person by whom income-tax or super tax or any other sum of money is payable under this Act, and includes—(a) every person in respect of whom any proceeding under this Act has been taken for the assessment of his income or of the income of any other person in respect of which he is assessable, or of the loss sustained by him or by such other person, or of the amount of refund due to him or to such other person ; (b) every person who is deemed to be an assessee under any provision of this Act ; (c) every person who is deemed to be an assessee in default under any provision of this Act. The definition of 'person' is as ; (31) 'Person' includes—(i) an individual, (ii) a Hindu Undivided family, (iii) a company, (iv) a firm, (v) an association of persons or body of individuals, whether incorporated or not, (vi) a local authority, and (vii) every artificial juridical person, not falling within any of the preceding sub-clauses.

The Income Tax Act classifies all kinds of income into six different categories, viz., (i) Salary, (ii) Interest on securities, (iii) income from house property, (iv) Profits and gains of business or profession, (v) income from other sources, (vi) Capital gains. Sections 10, 11, 12, and 13 of the Income Tax Act of 1961 deal with cases of incomes which do not form a part of an assessee's total income.

Section 116 of the Income Tax Act prescribes the following classes of Income-tax authorities—(a) The Central Board of Direct taxes, (b) Director of Inspection, (c) Commissioners of Income-tax, (d) Inspecting Assistant Commissioners of Income tax, (e) Appellate Assistant Commissioners of Income tax, (f) Income-tax officers, and (g) Inspectors of Income-tax.

Incorporation. The formation of a joint stock company. Section 12 sub-section 1 of the Indian Companies Act of 1956 provides that "Any seven or more persons, or where the company to be formed will be a private company, any two or more persons, associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Act in respect of this registration, form an incorporated company, with or without limited liability."

Incorporeal. Not of material nature, intangible.

Incorrigible. That which cannot be corrected. This term is mostly used to denote those offenders who cannot be reformed.

Incriminate. To charge a person with a crime.

Inculpatory. Intending to establish guilt of a person.

Incumber. To create a charge or liability over a land.

Indecency. See Obscene.

Indemnify. To save or protect somebody from loss or damage.

Indemnity. An undertaking given by one person to make good any loss which a party to a contract may suffer in consequence of the act or default of another. Section 124 of the Indian Contract Act provides that a contract of indemnity is a contract by which one party promises to save the other from loss caused to him by the conduct of the promisor himself, or by the conduct of any other person. The promisee is entitled to recover from the promisor,

IND

(a) all the damages which he may be compelled to pay in any suit in respect of any matter to which the promise to indemnify applies, (b) all costs which he may be compelled to pay in any such suit and, (c) all sums which he may have paid under the terms of any compromise of any such suit, if the compromise was not contrary to the orders of the promisor. The promisor is not liable, if the promisee suffers damage owing to circumstances which do not come within the scope of the contract of indemnity. *Krishna Yachendra V. Apparao* (1949) 76 I. A. 120.

Indeterminate. Uncertain.

Indeterminate Sentence. An award of imprisonment for the maximum period prescribed for that offence by the law.

Indictment. A written accusation against one or more persons mentioning the name or the names of the person or persons guilty of some act or omission.

Indorsement. A writing at the back of a negotiable instrument. See Negotiable Instruments Act.

Inducement. See Fraud.

Industrial Dispute. Any dispute or difference between employer or employee or between employers and employees. *Model Mills Manager V Dharam Das* A. I. R. 1958 S. C. 311. Section 2 sub-section (k) of The Industrial Disputes Act of 1947 defines as "industrial dispute" means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the term of employment or with the conditions of labour, of any person.

Inevitable Accident. An accident which cannot be avoided.

Infamy. A disability of a person rendering him unfit for giving evidence.

Infant. A minor or a person below the age of majority, a person not of full age. Section 11 of the Indian Contract Act provides that every person is competent to contract who is of the age of majority, in other words a minor is not competent to contract. Further, "Nothing is an offence which is done by a child under seven years of age" section 82. "Nothing is an offence which is done by

a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on the occasion." Section 83 of the Indian Penal Code.

Influence. See Undue Influence.

Infringement. A violation of another's right secured by patents, copyright and trademarks.

Inheritance. Succession of property, the descent of the property to the heir on the death of the owner.

Injunction. An injunction is a specific order of the court forbidding the commission of a wrong threatened, or the continuance of a wrongful course of action already begun. Chapter IX of the Specific Relief Act deals with the injunctions generally. Section 53 defines Temporary and Perpetual injunctions. Temporary injunctions are such as are to continue until a specified time, or until the further order of the Court. They may be granted at any time during the pendency of a suit, and are regulated by the Code of Civil Procedure. Perpetual injunctions can only be granted by the decree made at the hearing and upon the merits of the suit : the defendant thereby is perpetually enjoined from the assertion of a right, or from the commission of an act, which would be contrary to the rights of the plaintiff. "When, to prevent the breach of an obligation, it is necessary to compel the performance of certain acts which the court is capable of enforcing, the Court may in its discretion grant an injunction to prevent the breach complained of, and also to compel performance of the requisite acts." Section 55. They are Mandatory injunctions.

Injury. An act contrary to law. Section 44 of the Indian Penal Code defines injury as "It denotes any harm whatever illegally caused to any person in body, mind, reputation or property." It includes tortious acts also.

Inner Temple. One of the four Inns of Court.

Innuendo. Words which are not on the face of them libellous but defamatory in their latent and secondary meaning. An allegation which on its face contains no imputation whatever but which may be proved from the circumstances to have contained a latent and secondary defamatory sense. It suggests an imputation which it

does not express. Thus even the language of praise may amount to defamaion on proof that it was used in the way of irony. *Boydell V. Jones.* (1838) 4 M. & W. 446.

Inquest. An inquiry held by a body of man.

Insanity. Disease of mind. In criminal law—section 84 of the Indian Penal Code provides that “Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either is wrong or contrary to law.” The accused person is protected under this section not only when he was incapable of knowing the nature of the act due to his insanity, but also when he did not know either that the act was wrong or that it was contrary to law. Whether the want of capacity is temporary or permanent, natural or supervening, whether it arises from disease or exists from the time of birth it is included in the word insanity. Section 12 of the Indian Contract Act provides that a person is said to be of sound mind for the purpose of making a contract, if at the time he makes it, he is capable of understanding it and of forming a rational judgment as to its effect upon his interest. A person who is usually of unsound mind, but occasionally of sound mind, may make a contract when he is of sound mind. A person who is usually of sound mind, but occasionally of unsound mind, may not make a contract when he is of unsound mind.

Insolvency. The inability of a person to pay off his debts, in full. In order that a person can be adjudged insolvent he must have committed an act of insolvency. Section 9 of the Presidency towns Insolvency Act and section 6 of the Provincial Insolvency Act enumerates the acts of insolvency. They are as follows :—(a) If, in India or elsewhere, he makes a transfer of all or substantially all his property to a third person for the benefit of his creditors generally ; (b) If, in India or elsewhere, he makes a transfer of his property or any part thereof with intent to defeat or delay his creditors ; (c) If, in India or elsewhere, he makes any transfer of his property, or of any part thereof, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent ; (d) If, with intent to defeat or delay his creditors—(i) he departs or remains out of (Part A States and Part C States) (ii) he departs from his dwelling house or usual place of

business or otherwise absents himself, (iii) he secludes himself so as to deprive his creditors of the means of communicating with him ; (e) If any of his property has been sold in execution of the decree of any court for the payment of money ; (f) If he petitions to be adjudged as insolvent under the provisions of this Act ; (g) If he gives notice to any of his creditors that he has suspended, or that he is about to suspend, payments, of his debt, or (h) If he is imprisoned in execution of the decree of any court for the payment of money.

Instalment. A portion of the total sum of money payable.

Instigate. See Incitement.

Instrument. A legal document in writing such as deed, agreement etc., anything that is reduced in writing.

Insubordination. Disobedience to superior authority.

Insurance. A contract whereby a person called the insurer, agrees in consideration of money paid to him, called the premium, by another person, called the assured, to indemnify the latter against loss resulting to him on the happening of certain event. (Osborn—The Concise Law Dictionary) Contracts of insurance are the contracts of utmost good faith. Contracts of insurance may be for the indemnity of anything like Accident insurance, Fire insurance, Automobile insurance etc.

Insure. To make sure, to guarantee.

Intention. The inclination of the mind to act in a particular manner. The mere intention to commit an offence is not punishable. For difference between intention and knowledge see *Faquira V. State* A. I. R. 1955 All 321. Section 81 of the Indian Penal Code provides that 'Act likely to cause harm, but done without criminal intent, and to prevent other harm' is not an offence.

Inter alia. Among other things.

Inter conjuges. Between husband and wife.

Inter partes. Between the parties.

Inter se. Between themselves.

Inter vivos. Among the living.

Interest. Right to have the advantage or profit accruing from anything. An estate or right in property. Interest may be either

INT

simple or compound. Simple interest is that which is charged for the principal sum lent, at a certain rate as provided by law or agreed by the parties. Compound interest is interest upon interest.

Interim. In the meantime, during the pendency of.

Interlocutory. An order made during the pendency of the action, temporary, not final. See Civil Procedure Code.

International Law. "The law of nations is a system of rules deducible by natural reason, and established by universal consent among the civilised inhabitants of the world in order to decide all disputes, to regulate all ceremonies and civilities, and to insure the observance of justice and good faith, in that intercourse which must frequently occur between two or more independent States and the individuals belonging to each."—Blackstone. It may also be defined as, "The rules which determine the conduct of the general body of civilised States in their dealings with each other."

Interpleader. Where two or more persons claim adversely to one another the same debt, sum of money or other property, movable or immovable, from another person who claims no interest therein other than for charges or costs and who is ready to pay or deliver it to the rightful claimant, such other person may institute a suit of interpleader, against all the claimants for the purpose of obtaining a decision as to the person to whom payment or delivery shall be made, and of obtaining indemnity for himself: Provided that where any suit is pending in which the rights of all parties can properly be decided, no such suit of interpleader be instituted—Code of Civil Procedure.

Interpretation Clause. A section in an Act defining the meaning of the different words occurring in that statute.

Interrogatories. Written questions put by one party, during the proceedings, to the other on matters arising in the action, to be answered by that other party by affidavit.

Intervener. Person who intervenes in a suit or proceedings either on his own accord or on behalf of the public.

Intestate Succession. The devolution of the property of a person after his death according to law.

Intimidation. Coercion.

Intra vires. Within the powers of.

Inventory. A detailed list of the articles or property.

Investigation. Inquiry.

Ipso facto. By the mere fact.

Irrelevant. Not relevant.

Irrevocable. Not revocable, that which cannot be revoked.

Istihar. An Indian term and means an advertisement, notification or proclamation etc.

J

Jactitation. A false representation of marriage.

Jangad. A transaction on the sale or return basis. (An Indian term).

Jettison. The throwing overboard of goods or other cargo for the purposes of lighting the vessel to save it from sinking in a storm or to prevent capture.

Joinder of Cause of Action. Combining two or more causes of action in the same suit or proceedings.

Joinder of Parties. Joining together of all persons interested in a suit or proceedings as plaintiffs or defendants.

Joint Family. An undivided family.

Joint Obligation. When two or more persons enter jointly into a bond, covenant or other liability, they are said to have

created a joint obligation, and they all must sue or be sued together.

Joint Stock Company. An association of persons who have combined their money to carry on some business.

Joint Tortfeasors. (Joint wrongdoers). In the case of vicarious liability and agency persons are liable as joint tortfeasors, and as such they are jointly and severally responsible for the whole damage.

Judge. An officer of the State administering justice according to law. According to Civil Procedure Code it means the presiding officer of a civil court. Indian Penal Code provides that every person is a judge who is empowered by law to give in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which if not appealed against would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Judgment. The decision given or sentence passed by a court of law in a legal proceeding.

Judgment Creditor. The person in whose favour a judgment is given for a sum of money against a judgment debtor.

Judgment Debtor. The person against whom a judgment for a sum of money is given or who has been held liable for the payment of money to the judgment creditor.

Judicial Separation. The separation of a husband from his wife by a decree of the Divorce court. It does not dissolve marriage but the parties are allowed to live separately. For judicial separation see Hindu Marriage Act 1956.

Jurisdiction. The territory over which the power of the court extends. "The power of a court to hear and determine a cause to adjudicate or exercise any judicial power in relation to it." Per Mookerji J in 36 Cal. 193. A judgment given by a court without jurisdiction is a nullity.

Jurisprudence. The science of law. It is the knowledge of law and includes the entire body of legal doctrine.

Jury. A body of man temporarily selected from the citizens of a particular place according to law and sworn to inquire of certain

matters of fact, and declare the truth upon evidence to be laid before them.

Jus. Law.

Jus Civile. The civil law peculiar to Romans.

Jus gentium. The law of nations common to all peoples.

Jus in personam. A right available against a particular person.

Jus in rem. A right available against the world at large.

Jus naturale. The law of nature or the law that nature has taught to all living things.

Jus privatum. That part of the law which related to causes between private individuals; divided into three parts, according as it related to persons, things or actions. (Roman Law)

Jus tertii. The right of a third person.

Jus Tripartitum. The composition of jus civile, jus gentium and jus naturale.

Justice. The act of rendering what is right and equitable.

Justice of the Peace. Persons appointed by the State for the maintenance of peace and for the execution of other duties. See Criminal Procedure Code for their powers and jurisdiction.

Juvenile Offenders. Youthful offenders.

K

K. B. An abbreviation for "King's Bench."

Kabooleat. A written agreement whereby a payer of revenue

KAR

expresses his consent to pay amount assessed upon his land. Also known as Patta. (An Indian term)

Kararnama. An agreement in writing. (An Indian term)

Karkoon. (An Indian term) A junior revenue officer incharge of a division under the Collector.

Karta. A term used in Hindu Law. The manager of a joint Hindu Family.

Kazi. A term used in Mohammedan Law. A person who performs the functions of a judge and also ecclesiastical.

Keep. To maintain, carry on, conduct or manage ; as to 'keep' a liquor saloon, bawdy house, gambling table, etc.

Khandan. A group of descendants from one common ancestor. Family.

Khas. Private. Exclusively belonging to somebody.

Khasra. The field register, index and the field map of the Land Revenue Survey—Baden Powell.

Khewat. A document representing the shares and proprietors in the land of a village, and the revenue payable by them.

Khudkast. Land under the cultivation by the proprietor.

Kidnapping. Sections 359 to 374 of the Indian Penal Code deal with the various circumstances in which kidnapping may be committed. Kidnapping is of two kinds : Kidnapping from India and kidnapping from lawful guardianship. Whoever conveys any person beyond the limits of India without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from India. Section 361 provides for kidnapping from lawful guardianship, "Whoever takes or entices any minor under sixteen years of age if a male, or under eighteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Kin. Relationship by blood.

Kleptomania. An irresistible impulse to steal.

L

Landlord. The owner of a property which has been let out.

Larceny. A kind of theft in England.

Law. The body of principles recognised and applied by the State in the administration of justice—Salmond. A law is rule of conduct imposed and enforced by the Sovereign—Austin.

Law of Nations. International law.

Law of Nature. See *jus naturale*.

Lay Days. The days allowed by the charterparty for loading and unloading the ship.

Leading Question. A question directly or indirectly suggesting the answer which the witness is expected to give. A leading question cannot be asked in an examination-in-chief. It can only be asked in cross examination, and with the special permission of the court, when the witness has turned hostile, in the examination-in-chief also. See Indian Evidence Act sections 141 and 142.

Lease. Chapter V of the Transfer of Property Act 1882, deals with the provisions relating to lease. Section 105 defines lease as, "A lease of immovable property is a transfer of a right to enjoy such property, made for a certain time, express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms. The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other thing to be rendered is called the rent". In order to constitute a valid lease there must be a contract between the parties to that effect, hence both the parties, the lessor and the lessee must be competent to contract. A lease of immovable property from year to year, or for any term exceeding one year or reserving a yearly rent can be made

LEG

only by a registered instrument. Other leases i. e., for a term less than a year or for month to month may be made either by registered instrument or by oral agreement accompanied by delivery of possession. "A Lease of immovable property determines—(a) by efflux of time limited thereby, (b) where such time is limited conditionally on the happening of some event—by the happening of such event, (c) where the interest of the lessor in the property terminates on or his power to dispose of the same extends only to the happening of any event—by the happening of such event, (d) in case the interests of the lessor and the lessee in the whole of the property become vested at the same time in one person in the same right, (e) by express surrender; that is to say, in case the lessee yields up his interest under the lease to the lessor by mutual agreement between them, (f) by implied surrender, (g) by forfeiture; that is to say—(i) in case the lessee breaks an express condition which provides that, on breach thereof, the lessor may re-enter; or (ii) in case the lessee renounces his character as such by setting up a title in a third person or by claiming title in himself; or (iii) the lessee is adjudicated an insolvent and the lease provides that the lessor may re-enter on the happening of such event; and in any of these cases the lessor or his transferee gives notice in writing to the lessee of his intention to determine the lease; (h) on the expiration of the notice to determine the lease, or to quit, or of intention to quit, the property leased, duly given by one party to the other." Section 111. For rights and liabilities of the lessor and the lessee see section 108 of the Transfer of Property Act.

Legacy. A gift of personal property by will.

Legatum. Gift from a deceased person.

Legitimate. Born out of a lawful wedlock.

Letters of Administration. When the owner of a property dies intestate or without an executor, the court grants authority to a person to administer the property of the deceased. Such authority which is issued under the seal of the court is called letters of administration.

Levy. Imposition of tax under the authority of law.

Lex fori. The law of the court or person.

Lex loci. The law of the place.

Lex loci contractu. The law of the place where a contract is made.

Lex scripta. The written law.

Libel. See defamation.

Licence. The authority to do something which would otherwise be illegal. See section 52 of the Indian Easement Act V of 1882.

Lien. The right to retain property of another as security until the performance of an obligation.

Limitation, Statute of. The statute prescribing the time limit or the period within which a right can be enforced.

Liquidation. The winding up process of a company. In the case of an individual insolvent, the process of distribution of his assets.

Liquidator. Person appointed to carry out the liquidation.

Lis Pendens. A pending suit.

Lock up. Place of temporary confinement.

Lunatic. An insane person.

M

M. R. Abbreviation for 'Master of the Rolls.'

Madness. See Insanity.

Magistrate. A judicial officer administering criminal law. 'Magistrate' shall include every person exercising all or any of the

MAG

powers of a Magistrate under the code of Criminal Procedure, for the time being in force. Section 3(32) General Clauses Act. Section 6 of the Criminal Procedure Code provides that there shall be four kinds of Magistrates. (1) Presidency Magistrate ; (2) Magistrate of the first class ; (3) Magistrate of the second class ; (4) Magistrate of the third class.

Magna Carta. The great charter of England.

Mahal. A particular territory which is a source of revenue. (An Indian term).

Mahajan. A person who lends money. (An Indian term)

Maintenance. The supply of necessities of life like food, clothing etc. Section 488 of the Criminal Procedure Code deals with the provisions relating to maintenance of wives and children. It provides that, "If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-Divisional Magistrate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding five hundred rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs." This section provides a speedy remedy for obtaining maintenance. An award under this section is not a bar to a civil remedy. This Section has nothing to do with the conjugal rights of the parties.

Majority. Full age. The status acquired by the completion of minority. In the cases of ordinary persons the age of majority is eighteen years.

Mala Fides. Bad faith.

Malfeasance. The doing of an unlawful act.

Malguzari. Land revenue. (An Indian term).

Malicious Prosecution. The institution of certain kind of legal proceedings without any reasonable and probable cause and maliciously against a person. It is a civil wrong. The following are the essential conditions which must be fulfilled before an action for malicious prosecution will lie. (i) The defendant to whom the

plaintiff is going to sue must have instituted the legal proceedings, (ii) there must be no reasonable and probable cause for him to do so, (iii) he must have acted maliciously, (iv) the proceedings must have terminated in favour of the plaintiff. Malicious prosecution is not the same as false imprisonment.

Manager. A person who manages or controls the affairs of an association or organization. Section 2 (24) of the Indian Companies Act, 1956 provides that 'manager' means an individual (not being the managing agent) who, subject to the superintendence, control and direction of the Board of directors, has the management of the whole, or substantially the whole of the affairs of the company, and includes a director or any other person occupying the position of a manager, by whatever name called, and whether under a contract of service or not. A firm, body corporate or an association cannot be appointed as a manager of any company public or private.

Managing Agents. One who, holding an inferior authority, manages the affairs of a company on behalf of another holding a superior authority. Section 2 (25) of the Indian Companies Act 1956, defines it as "managing agent means any individual, firm or body corporate entitled, subject to the provisions of this Act, to the management of the whole, or substantially the whole, of the affairs of a company by virtue of an agreement with the company, or by virtue of its memorandum or articles of association, and includes any individual, firm or body corporate occupying the position of a managing agent, by whatever name called. "See also *Inderchand V. Commrs. of Income tax* A. I. R. 1952 All 706. This is a unique institution in the Indian Corporate management. Efforts are being made to abolish this system.

Mandamus. This is a kind of writ issued by the High Court under Article 226 of the Constitution of India where no other effective means of redress are available. It has been observed in *R. V. Metropolitan Police Commr.* (1953) 2 All E. R. 717 that, "Mandamus will lie to any person who is under a duty imposed by statute or by common law to do a particular act. If that person refrains from doing the act or refrains from wrong motives from exercising a power which it is his duty to exercise, this court will by order of mandamus direct him to do what he should do. Mandamus may go to indivi-

MAN

duals. It may go to corporations and it goes quite independently of whether the individual or body to which it is addressed is not a court." See also Writ.

Mandatory. See Injunction.

Manslaughter. The crime of unlawful homicide.

Manumission. (A term of Roman Law). The act of liberating a slave and making him a free man.

Marginal Witness. The person who testifies the execution of a document in his presence by putting his signature on the margin of the document.

Marine. Pertaining to sea.

Marine Contract. Contract relating to the affairs of the sea like shipping, navigation, marine insurance and affreightment etc.

Marital. Pertaining to marriage or husband.

Maritime Law. The body of rules relating to commerce and navigation, ship and shipping etc.

Marketable. Things suitable for sale in the market.

Marriage. A voluntary union of one man and one woman for life. Marriages in India are governed by Hindu Marriage Act and by Special Marriage Act. Section 5 of the Hindu Marriage Act provides conditions for a Hindu marriage. "A marriage may be solemnized between two Hindus, if the following conditions are fulfilled, namely :—(i) neither party has a spouse living at the time of marriage ; (ii) neither party is an idiot or lunatic at the time of marriage ; (iii) the bridegroom has completed the age of eighteen years and the bride the age of fifteen years at the time of the marriage ; (iv) the parties are not within the degrees of prohibited relationship, unless the custom or the usage governing each of them permits of a marriage between the two ; (v) the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two ; (vi) where the bride has not completed the age of eighteen years, the consent of her guardian in marriage, if any, has been obtained for the marriage." Section 6 says that (1) Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto. (2) Where such rites and ceremonies include the saptapadi (that is, taking of seven steps

by the bridegroom and the bride jointly before the sacred fire) the marriage becomes complete and binding when the seventh step is taken.

Marriage Brokerage. The consideration for negotiating a marriage between a man and a woman. Contracts of marriage brokerage are against public policy and are as such void.

Marriage Portion. Dowry.

Marshalling. Arranging according to the priority of claims. Section 81 of the Transfer of Property Act provides that, "If the owner of two or more properties mortgages them to one person and then mortgages one or more of the properties to another person, the subsequent mortgagee is, in the absence of a contract to the contrary, entitled to have the prior mortgage debt satisfied out of the property or properties not mortgaged to him, so far as the same will extend, but not so as to prejudice, the rights of the prior mortgagee or of any other person who has for consideration acquired an interest in any of the properties." See *Aldrich V. Cooper*.

Martial Law. The law imposed by the military tribunals in times of war.

Marz Ul-Maut. Gift at the time of death.

Master. 'Master' used with reference to a ship, shall mean any person (except a pilot or harbour master) having for the time being control or charge of the ship. Section 3 (33) The General Clauses Act.

Master and Servant. A relation where one person agrees to render his services to another for consideration.

Mate's Receipt. A receipt issued by the mate of a ship for the goods received for loading.

Matrimonial. Relating to matrimony.

Matrimony. Marriage.

Matter. Subject matter of dispute, a thing.

Matter in Deed. Facts to be established or proved by deed.

Matter in Issue. Points of dispute between a plaintiff and a defendant.

Matter in Pais. Facts not in writing, to be proved orally by witnesses.

MAT

Matured. A bill of exchange or promissory note is said to have matured when it becomes due. Section 22 of the Negotiable Instruments Act provides that, "The maturity of a promissory note or bill of exchange is the date at which it falls due." In calculating the date at which a promissory note or bill of exchange, made payable a stated number of months after date or after sight, or after a certain event, is at maturity, the period stated shall be held to terminate on the day of the month which corresponds with the day on which the instrument is dated, or presented for acceptance or sight, or noted for non-acceptance, or the event happens, or, where the instrument is a bill of exchange made payable a stated number of months after sight and has been accepted for honour, with the day on which it was so accepted. If the month in which the period would terminate has no corresponding day, the period shall be held to terminate on the last day of such month.

May. An auxiliary verb qualifying the meaning of another verb. It gives discretion to the person who is given the option to act in a particular manner mentioned in the section.

May Presume. Section 4 of the Indian Evidence Act provides that, "Whenever it is provided by this Act that the court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it."

Mayhem. Violently depriving another of any member or part of the body whereby rendering him unable to defend himself.

Measure of Damages. The method of ascertaining the damages or loss resulting from some act or omission. Section 73 of the Indian Contract Act provides that, "When a contract has been broken, the other party who suffers by such breach is entitled to receive, from the party who has broken the contract, compensation for any loss or damage caused thereby, which naturally arose in the usual course of things from such breach, or which the parties knew, when they made the contract, to be likely to result from the breach of it." This was the rule laid down in *Hadley V. Baxendale*.

Medical Evidence. Evidence given by a medical man as an expert in the profession.

Meeting. An assembly or coming together of persons for certain purpose. Indian Companies Act of 1956 provides with three kinds

of meetings. Section 165 says that there shall be a statutory meeting within a period of not less than one month nor more than six months from the date at which the company is entitled to commence business. "Every company shall, in addition to any other meetings, hold a general meeting.....". Section 166 (1) (a). And another is extra-ordinary general meeting.

Member. One person from the group of persons constituting a corporation or association. Also a part of the body specially a limb. In Company law—every person whose name appears on the Register of Members shall be a member of the company. But it has been provided in section 2 (27) that "member" in relation to a company, does not include a bearer of a share warrant of the company.

Memorandum. A note or instrument. A clause at the end of a policy of marine insurance.

Memorandum of Association. In Indian Companies Act 1956, section 2 (28) defines it as to mean the memorandum of association of a company as originally framed or as altered from time to time. Section 13 deals with the requirements with respect to memorandum, "The memorandum of every company shall state—(a) the name of the company with "Limited" as the last word of the name in the case of a public limited company, and with "Private Limited" as the last words of the name in the case of a private limited company ; (b) the State in which the registered office of the company is to be situate ; and (c) the object of the company, and, except in the case of trading corporations, the State or States to whose territories the objects extend. (2) The memorandum of a company limited by shares or by guarantee shall also state the liability of its members is limited. (3) The memorandum of a company limited by guarantee shall also state that each member undertakes to contribute to the assets of the company in the event of its being wound up while he is a member or within one year after he ceases to be a member, for payment of the debts and liabilities of the company, or of such debts and liabilities of the company as may have been contracted before he ceases to be a member, as the case may be, and to the costs, charges and expenses of winding up, and for adjustment of the rights of the contributories among themselves, such amount as may be required,

MEN

not exceeding a specific amount. (4) In the case of a company having a share capital (a) unless the company is an unlimited company, the memorandum shall also state the amount of share capital with which the company is to be registered and the division thereof into shares of a fixed amount ; (b) no subscriber of the memorandum shall take less than one share ; and (c) each subscriber of the memorandum shall write opposite to his name the number of shares he takes." Section 15 provides that "The memorandum shall (a) be printed, (b) be divided into paragraphs numbered consecutively, and (c) be signed by each subscriber (who shall add his address, description and occupation, if any,) in the presence of at least one witness who shall attest the signature and shall likewise add his address, description and occupation, if any."

Mens rea. A guilty mind.

Mercantile Law. Law of merchants. Law regulating the dealings between merchant and merchant.

Merchantable Quality. Goods of such a quality that a reasonable man acting reasonably would after full examination accept them whether for his own use or to sell again. See sections 16, 17, and 18 of the Indian Sale of Goods Act.

Merchandise Marks. "Marks" used in a business or trade to denote it as the product of a particular manufacturer. "Marks" includes a device, brand, heading, label, ticket, name, signature, word, letter or numeral or any combination thereof. Section 2 (J) of the Trade and Merchandise Marks Act, 1958.

Merger. The fusion or amalgamation of one right, property or thing with other. It may be either absolute or partial.

Mesne Profits. Those profits which a person in wrongful possession of property actually received or might with ordinary diligence have received therefrom, together with interest on such profits, but shall not include profits due to improvements made by the person to wrongful possession. Section 2 (12) of the Code of Civil Procedure. Mesne profits can be claimed only with regard to immovable property.

Middlemen. A person who, for consideration, brings two parties together in order that they can enter into a transaction.

Military law. Regulations for the government of an army.

Minimum Wage. Section 4 of the Minimum Wages Act 1948 defines minimum rate of wages and provides that, "(1) Any minimum rate of wages fixed or revised by the appropriate Government in respect of scheduled employments under Section 3 may consist of— (a) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the variation in the cost of living index number applicable to such workers (hereinafter referred to as the "cost of living allowance"); or (b) a basic rate of wages with or without the cost of living allowance, and the cash value of the concessions in respect of supplies of essential commodities at concession rate, where so authorised ; or (c) on all inclusive rates allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any. (2) The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concession rates shall be computed by the competent authority at such intervals and in accordance with such directions as may be specified or given by the appropriate Government.

The concept of "minimum wage" should not be confused with bare minimum wage. When a minimum wage is prescribed by statute or is awarded by an Adjudicator, it should not be the bare minimum or subsistence wage which is just enough for bare physical needs and no more ; though it may not reach the level of a living wage or even of fair wage, it must provide not only for the bare physical needs of the workman and his family, but also for some measure of education, medical requirements and amenities. It is the irreducible minimum below which no industry should be allowed to go, and in fixing it, no regard can be had to the financial capacity of the industry. In other words, minimum wage is the first charge on an industry. *Lipton Ltd., V. Their Employees* A. I. R. 1959 S. C. 676.

Minor. An infant. A person under 21 years of age. A contract entered into by a minor is void. See section 11 of the Indian Contract Act.

Misadventure. An accident. "Nothing is an offence which is done by an accident or misfortune, and without any criminal

MIS

intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution." Section 80 of the Indian Penal Code.

Misappropriation. Wrongful or fraudulent use or appropriation of the property belonging to others. Section 403 of the Indian Penal Code provides punishment for dishonest misappropriation of property.

Mischief. An injury caused by a person. "Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits mischief." Section 425 of the Indian Penal Code.

Misconduct. A forbidden conduct. A violation of some set rule of action. Wrong or improper conduct. An omission to do what is required of a person to do may therefore constitute misconduct, even though the person has not acted wilfully or maliciously. *Mohd. Sheik Nathu V. Governor General-in-Council, Indian Union.* Misconduct is not the same as negligence.

'It is difficult to give an exhaustive definition of what amounts to legal misconduct. It may, however, be stated that legal misconduct means misconduct in the judicial sense arising from some honest, though erroneous, breach and neglect of duty and responsibility on the part of the arbitrator causing miscarriage of justice.' *The Indian Minerals Co. V. The N. I. Lime Marketing Association* 1958 All 692. This was the case on section 30 (a) of the Arbitration Act of 1940.

Misdemeanour. Minor offences normally lower than felonies, like assault, conspiracy etc.

Misfeasance. A misdeed.

Misjoinder. Wrongfully combining together different causes of action or parties to a suit either as plaintiffs or defendants.

Mispleading. Pleading wrongly or incorrectly.

Misrepresentation. An untrue or wrong statement of facts. Section 18 of the Indian Contract Act defines misrepresentation as

follows : "Misrepresentation means and includes—(1) The positive assertion in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true ; (2) any breach of duty which, without an intent to deceive, gains an advantage to the person committing it, or any one claiming under him, by misleading another to his prejudice or to the prejudice of anyone claiming under him ; (3) causing, however innocently, a party to an agreement to make a mistake as to the substance of the thing which is the subject of the agreement.

"The principal difference between fraud and misrepresentation is that in the one case the person making the suggestion does not believe it to be true and in the other he believes it to be true though in both cases it is a misstatement of fact which misleads the promisor." 53 All 374.

Mistake. Some unintentional act, omission or error arising from ignorance, surprise, imposition or misplaced confidences. Civil Code 1910. A. 4570. Sections 20, 21, 22, and 72 of the Indian Contract Act deals with the provisions relating to mistake. A mistake may be of fact or of law. Section 20 provides that, "Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void. Section 21 deals with the effect of mistakes as to law on the agreements. Section 72 says that, "A person to whom money has been paid, or anything delivered, by mistake or under coercion, must repay or return it." It has been held that this section includes both the cases where payment is made under the mistake of fact or under the mistake of law.

Misuser. Abuse of a right.

Modify. To change, to alter. Section 2 (29) of the Indian Companies Act provides that 'modify' and 'modification' shall include the additions and omissions.

Monogamy. Marriage between one man and one woman only.

Moored in Safety. A clause of the marine insurance policy. When a ship is anchored, without any immediate danger, to a dock.

Moot court. A court held for discussing and arguing the exercises in pleadings by the students of law.

MOR

Moral law. Principles of ethics, relating to right and wrong conduct.

Moral Turpitude. A Conduct contrary to justice, honesty or good morals.

Mortgage. A transfer of an interest in specific immoveable property as security for the repayment of a debt. Section 58 of the Transfer of Property Act defines mortgage as "A mortgage is the transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability." This section provides with six kinds of mortgages. Section 58 (b)—"Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money, and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgagee a simple mortgagee."

(c) Where the mortgagor ostensibly sells the mortgaged property—

on condition that on default of payment of the mortgage money on a certain date the sale shall become absolute, or

on condition that on such payment being made the sale shall become void, or

on condition that on such payment being made the buyer shall transfer the property to the seller,

the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale.

Provided that no such transaction shall be deemed to be a mortgage unless the condition is embodied in the document which effects or purports to effect the sale.

(d) Where the mortgagor delivers possession or expressly or by implication binds himself to deliver the possession of the mortgaged property to the mortgagee, and authorizes him to retain such

possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property or any part of such rents and profits and to appropriate the same in lieu of interest, or in payment of the mortgage-money, or partly in lieu of interest or partly in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee.

(e) Where the mortgagor binds himself to repay the mortgage-money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a proviso that he will re-transfer it to the mortgagor upon payment of the mortgage-money as agreed, the transfer is called an English mortgage.

(f) Where a person in any of the following towns, namely, the towns of Calcutta, Madras and Bombay, and in any other town which the State Government concerned may, by notification in the official Gazette, specify in this behalf, delivers to a creditor or his agent documents of title to immoveable property, with intent to create a security thereon, the transaction is called a mortgage by deposit of title deeds.

(g) A mortgage which is not a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage, an English mortgage or a mortgage by deposit of title deeds within the meaning of this section is called an anomalous mortgage.

Mortgagee. The receiver of a mortgage.

Mortgagor. The person transferring the property or any interest therein as security for debt.

Mortis Causa. By reason of death.

Motion. An application to a court to obtain some rule or order.

Motive. 'Motive' is not to be confused with intention. If a man knows that a certain consequence will follow from his act, it must be presumed in law that he intended that consequence to take place although he may have had some quite different ulterior motive for performing the act. By a motive is meant—anything that can contribute to, give birth to, or even to prevent any kind of action. Motive may serve as a clue to the intention; but although the

MOU

motive be pure, the act done under it may be criminal. An act which is unlawful cannot, in law, be excused on the ground that it was committed from a good motive." Ratanlal & Dhirajlal, The Indian Penal Code 21st edn. page lxi.

Mouroosee. Hereditary or self-cultivated. (An Indian term).

Mouza. The cultivated lands of a village subject to revenue. (An Indian term).

Moveable Property. "Moveable property" shall mean property of every description except immoveable property. Section 3 (36) of the General Clauses Act.

"The word moveable property are intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth." Section 22 of the Indian Penal Code.

Mukhtar or Mukhtyar. An agent, a person who represents others in legal proceedings or other business transactions (An Indian term.)

Municipal Law. The ordinary law of the State.

Munsif. A subordinate judge having a limited jurisdiction.

Murder. Killing of human beings without lawful justification. Section 300 of the Indian Penal Code defines murder. It says that "Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death or secondly—If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or thirdly—If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or fourthly—If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid." The section is appended with five exceptions also. See also Culpable homicide.

Mutation. Change of name in the revenue papers because of the transfer of property from one person to another.

N

N. P. An abbreviation for "notary public."

Nalish. A suit or a complaint. (An Indian term)

Nationality. The quality or character arising from the fact that a person is a member of a particular state or nation and which determines the political status of that person.

Natural Affection. That love and affection which naturally subsists between a person and his kindred, like husband and wife, father and son etc. Natural love and affection is a good consideration for a contract. Section 25 (1) of the Indian Contract Act provides that, "An agreement made without consideration is void unless it is express in writing and registered under the law for the time being in force for the registration of documents and is made on account of natural love and affection between parties standing in a near relation to each other."

Natural Law. Law of nature of justice according to nature. "Jus naturale" or natural law is a widely used expression of Roman Law.

Naufrage. Ship wreck.

Naval Law. Rules and regulations for the government of navy.

Navigable. In maritime law. Which can be navigated.

NAZ

Nazim. An adjuster. The chief officer of a province. (An Indian term.)

Nazul. "Property escheated or lapsed to the State ; commonly applied to any land or house property belonging to Government either as an escheat or as having belonging to former Governments." Baden-Powell.

Ne exeat. A writ prohibiting a person from leaving a country or the jurisdiction of the court, so that he can be easily available and subject to the process of the court.

Necessaries. Articles actually needed by a party. Things essential for the sustenance of human life. They vary with the age, rank and status of the parties. "If a person, incapable of entering into a contract, or any one whom he is legally bound to support, is supplied by another person with necessaries suited to his condition in life, the person who has furnished such supplies is entitled to be reimbursed from the property of such incapable person." Section 68 of the Indian Contract Act. Money advanced to a Hindu minor to meet his marriage expenses is supplied for 'necessaries', and may be recovered out of his property. *Pathka Kali Charan V. Ram Deni Ram* (1917) 2 Pat. L. J. 627. Necessaries consist of clothing, food, medical treatment and a suitable place for residence etc.

Necessitas facit licitum quod alias non est licitum. Necessity makes that lawful which otherwise is unlawful.

Necessitas non habet legem. Necessity has no law.

Neglect. To omit. See Negligence.

Negligence. The failure to use ordinary care. "Negligence is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do." Alderson B in *Blyth V. Birmingham Waterworks Co.* (1856) 11 Ex. 781, 784. "Negligence is the absence of such care, skill and diligence, as it was the duty of the person to bring to the performance of the work which he is said not to have performed." *Grill V. General Iron Screw Collier Co.* (1866) 35 L. J. C. P. 321." In strict legal analysis, negligence means more than heedless or careless conduct, whether in omission or

commission : it properly connotes the complex concept of duty, breach and damage thereby suffered by the person to whom the duty was owing." *Lochgelly Iron and Coal Co., V. M. Mullan* (1934) A. C. 1,25.

Contributory Negligence. "Any want of ordinary care on the part of the person injured, or on the part of another whose negligence is imputable to him, which combined and concurred with the defendant's negligence, and contributed to the injury as a proximate cause thereof, and as an element without which the injury would not have occurred." *Railroad Co., V. Young*. When an accident happens through the combined negligence of two persons, he alone is liable to the other who had the last opportunity of avoiding the accident by reasonable care, and who then knew or ought to have known of the danger caused by the other's negligence."—Salmond. In England The Law Reform (Contributory Negligence) Act, 1945, by section 1 (1) provides that "Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the court thinks just and equitable having regard to the claimant's share in the responsibility for the damage :....." "The important cases on Contributory negligence are *Butterfield V. Forrester* (1809) 11 East 60. *Davies V. Mann*. (1942) 10 M. & W. 546. *British Columbia Electric Ry. V. Loach* (1916) 1 A. C. 719. It is a question of fact in each case whether the conduct of the plaintiff amounts to contributory negligence. The burden of proving the negligence of the plaintiff lies on the defendant.

Negotiable Instruments. Any document capable of being transferred by delivery or indorsement, and which gives the holder a right to sue in his own name. Section 13 of the Negotiable Instruments Act defines negotiable instruments as, "A negotiable instrument means a promissory note, bill of exchange, or cheque payable either to order or to bearer. Sub-section (2) provides that "A negotiable instrument may be made payable to two or more payees jointly, or it may be made payable in the alternative to one or two, or one or some of several payees." Section 118 of the

Act provides certain presumptions as to the negotiable instruments. "Until the contrary is proved, the following presumptions shall be made :—

(a) that every negotiable instrument was made or drawn for consideration, and that every such instrument, when it has been accepted, indorsed, negotiated or transferred, was accepted, indorsed, negotiated or transferred for consideration ;

(b) that every negotiable instrument bearing the date was made or drawn on such date ;

(c) that every accepted bill of exchange was accepted within a reasonable time after its date and before its maturity ;

(d) that every transfer of a negotiable instrument was made before its maturity,

(e) that the indorsements appearing upon a negotiable instrument were made in the order in which they appear thereon ;

(f) that a lost promissory note, bill of exchange or cheque was duly stamped,

(g) that the holder of a negotiable instrument is a holder in due course : Provided that where the instrument has been obtained from its lawful owner, or from any person in lawful custody thereof, by means of an offence or fraud, or has been obtained from the maker or acceptor thereof by means of an offence or fraud or for unlawful consideration the burden of proving that the holder is a holder in due course lies upon him."

Negotiation. The discussion or conference for settling or arranging the terms of a business or sale etc. Also the act of passing or circulating a negotiable instrument. "When a promissory note, bill of exchange or cheque is transferred to any person, so as to constitute that person the holder thereof, the instrument is said to be negotiated." Section 14 of the Negotiable Instruments Act. Section 31 of Bills of Exchange Act, 1882 (45 & 46 Vict. c. 61) defines negotiation as follows :—

"(1) A bill is negotiated when it is transferred from one person to another in such a manner as to constitute the transferee the holder of the bill.

(2) A bill payable to bearer is negotiated by delivery.

(3) A bill payable to order is negotiated by the indorsement of the holder completed by delivery.

(4) Where the holder of a bill payable to his order transfers it for value without endorsing it, the transfer gives the transferee such title as the transferor had in the bill, and the transferee in addition acquires the right to have the indorsement of the transferor.

(5) Where any person is under obligation to indorse a bill in a representative capacity, he may indorse the bill in such terms as to negative personal liability."

Section 47 of the Negotiable Instruments Act provides that a negotiable instrument payable to bearer is negotiable by delivery. "Subject to the provisions of Section 58, a promissory note, bill of exchange or cheque payable to order, is negotiable by the holder by indorsement and delivery thereof." Section 48.

Nemo. No body, no one.

Nemo dare potest quod non habet. No man can give that which he has not.

Nemo dat qui non habet. He who hath not cannot give.

Nemo debet bis puniri pro uno delicto. No man ought to be punished twice for the same offence.

Nemo debet bis vexari pro eadem causa. No one should be vexed twice for the same cause.

Nemo est supra leges. No one is above the law.

Nemo punitur pro alieno delicto. No man is punishable for others wrong.

Neutrality. In International law. The condition of those States which in time of war take no part in the contest, but continue pacific intercourse with the belligerents.

Next friend. One who acts on behalf of and for the benefit of incapacitated persons like infants, married woman etc. See Rule 4 Order XXXII of the Civil Procedure Code.

Nikah. Marriage. (A Mohammedan law term)

Nisi. Unless.

Nisi prius Courts. Courts held for the trial of issues of fact before a jury and a judge.

Noabad. Newly cultivated. (A term used in Bengal land tenures.)

Nocent. Guilty.

Nolle prosequi. An unconditional withdrawal or undertaking to forbear to sue by the prosecutor or plaintiff.

Nomen Juris. A name of the law.

Nominal Damages. See Damages.

Nominal Defendant. A person who is added as a defendant merely to fulfil the technical rules of practice, and that if he is not so added the action of the plaintiff would be defective.

Nominal Partner. One who has no interest in the partnership firm, but who allows himself to be represented as a partner of that firm. For partnership by holding out see section 28 of the Indian Partnership Act.

Nominate. To designate or propose any person by name to any office or in election.

Nomination. An appointment, of a person in an office or to discharge any duty, by one who is in authority.

Nomographer. A writer on the subject of law.

Non appearance. A failure to appear.

Non bailable. Not fit for admitting to bail.

Non cognizable offence. An offence for which a police officer may not arrest without warrant. See Section 4(n) of the Code of Criminal Procedure.

Non compos mentis. A person of unsound mind.

Non cumulative dividends. Dividends paid in a year depends upon the earning of that year.

Non dat qui non habet. One who has not cannot give.

Non disclosure. A failure to disclose.

Non est factum. A plea by which the execution of a document, on which a suit has been filed, is denied.

Non est reus nisi mens sit rea. A man is not guilty unless his intention be guilty.

Non feaſance. Non performance of an act. An omiſſion of what ought to have been done.

Non juridicus. Non legal.

Non-joinder. Omit to join in a caſe.

Non valet donatio niſi ſubſequatur Traditio. A gift is valid only when it is accompanied by the poſſeſſion of the property gifted.

Notary. A public officer whoſe function it is to certify ſignatures and documents on oath.

Not Guilty. A plea raised by the accuſed perſon in a criminal proceeding that the offence with which he is charged has not been committed by him.

Notice. Information. Making the others to know. A perſon is ſaid to have a notice of a fact when he actually knows that fact or when, but for wilful abſention from an inquiry or ſearch which he ought to have made, or groſs negligence, he would have known it.

Notice of Diſhonour. A notice given by the holder to the drawer of a bill, or to an indorſer of a bill or note, that it has been diſhonoured by non-acceptance or by non-payment. See Chapter VIII of the Negotiable Instruments Act.

Noting. “When a promiſſory note or bill of exchange has been diſhonoured by non-acceptance or by non-payment, the holder may cauſe ſuch diſhonour to be noted by a Notary Public upon the inſtrument, or upon a paper attached thereto, or partly upon each.

Such note muſt be made within a reaſonable time after diſhonour, and muſt ſpecify the date of diſhonour, the reaſons, if any, aſſigned for ſuch diſhonour, or if the inſtrument has not been expreſſly diſhonoured, the reaſon why the holder treats it as diſhonoured, and the Notary’s charges.” Section 99 of The Negotiable Instruments Act.

Not Proved. A fact which has not been proved in a court of law. A fact is ſaid to be ‘not proved’ when it is neither proved nor diſproved.

Novation. The ſubſtitution of a new contract for the old one

NUD

between same or different parties, "that, there being a contract in existence, some new contract is substituted for it either between the same parties or between different parties, the consideration mutually being the discharge of the old contract....." Lord Selborne in *Scarf V. Jardine* (1882) 7 App. Ca. 345, 351. Section 62 of the Indian Contract Act provides that, "If the parties to a contract agree to substitute a new contract for it, or to rescind or alter it, the original need not be performed."

Nudum pactum. An agreement without consideration, a bare agreement.

Nuisance. Annoyance. See section 133 of the Criminal Procedure Code. For civil action see law of Tort.

Nullity of Marriage. The entire invalidity of a marriage.

Nullius filius. The son of nobody.

Nullius Juris. Of no legal force.

Nuptial. Pertaining to marriage.

O

Oath. A religious act by which the party invokes God not only to witness the truth and sincerity of his statement but also to punish his perjury if he shall be guilty of it.

Obiter Dictum. (A saying by the way). It is an observation which is either not necessary for the decision of the case or does not relate to the material facts in issue. *Joyarama Iyer V. State of Hyderabad.* A. I. R. 1954 Hyd. 56 D. B.

Obligation. A duty enforceable by law.

Obscene. The test of obscenity is that, whether the tendency of the matter charged as obscene is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall—Per Cockburn C. J. *In Hicklin* (1868) L. R. 3 Q. B. 360, 371. See also sections 292, 293, and 294 of the Indian Penal Code.

Occupancy. Taking possession of ownerless things like birds, wild animals etc.

Offence. An act punishable under any law.

Offender. A person who commits an offence.

Offer. The word offer is synonymous to Proposal as used in section 2 of the Indian Contract Act. See Proposal.

Official Assignee or Official Receiver. The officer appointed by the Insolvency court, who acts in insolvency and in the winding up of the companies.

Onerous. A gift of a thing to which the attached liabilities outweigh the benefits.

Onus Probandi. The onus of proof.

Open Contract. The contract of sale of property which specifies the names of the parties, a description of the property and the statement of the price only.

Option. A right of choice conferred upon a person whether to buy or not any property within a specified limit of time.

Oral. Unwritten.

Ordeal. The most ancient mode of trial.

Order. A command, mandate or direction.

Order of Discharge. See discharge.

Ordinance. A declaration of law or rule enacted in the time of emergency and made either by the President or by the Governor.

Ordinance. Pertaining to defence.

Original. First in order.

Overdue. When the time for payment has passed.

Overt. Open.

OWN

Ownership. A relation between a person and any right that is vested in him.

P

Pact. An agreement.

Pactum de non petendo. An agreement not to sue.

Panchayat. An assembly of five persons constituted in the villages to settle the disputes. (An Indian term)

Panel. A list of the persons who will act as jurors.

Par. Equal.

Paramount Equity. A superior right or claim.

Paraphernalia. The exclusive property belonging to a married woman.

Parcener. A member of a joint hindu family. (An Indian term)

Pardon. Forgiveness of a crime. Section 337 of the Criminal Procedure Code deals with the provisions relating to tender of pardon to accomplice. It provides that, "In the case of an offence triable exclusively by the High Court or Court of Session, or any offence punishable with imprisonment which may extend to seven years, or any offence under any of the following sections of the Indian Penal Code, namely, section 161, 165, 165A, 216A, 369, 401, 435, and 477A, the District Magistrate, a Presidency Magistrate, a sub-divisional Magistrate or any Magistrate of the First class may, at any stage of the investigation or inquiry into, or the trial of the offence, with a view to obtaining the evidence of any person supposed

to have been directly or indirectly¹ concerned in or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof :

Provided that, where the offence is under inquiry or trial, no Magistrate of the first class other than the District Magistrate shall exercise the power hereby conferred unless he is the Magistrate making the inquiry or holding the trial, and where the offence is under investigation, no such Magistrate shall exercise the said power unless he is a Magistrate having jurisdiction in a place where the offence might be inquired into or tried and the sanction of the District Magistrate has been obtained to the exercise thereof."

Article 72 (1) of the Constitution of India provides that, "The President shall have the power to grant pardon, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—

(a) in all cases where the punishment or sentence is by a Court Martial ;

(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends ;

(c) in all cases where the sentence is a sentence of death."

For the power of Governor to grant pardon, etc., and to suspend, remit or commute sentences in certain cases, see Article 161 of the Constitution.

Parent. The father or mother.

Parenticide. He who commits the crime of murder of his parents.

Pari causa. With equal right.

Pari delicto. In equal fault.

Pari materia. Of the same matter.

Pari passu. Ratably ; by an equal progress.

Parliament. The supreme legislative assembly of a country.

PAR

In India it consists of President. Rajya Sabha and Lok Sabha.

Parol. Oral.

Parol Agreement. Oral agreement.

Parol Evidence. Oral or verbal evidence.

Parole. A release of a prisoner on the condition that if he will behave properly, he will be absolutely discharged from the balance of sentence, but on his failing to do so, he will have to undergo imprisonment for the unexpired term of his sentence.

Partial Verdict. A verdict returned by the jury in which they have found the accused guilty as to a part of the accusation.

Particeps Criminis. An accomplice ; a partner in a crime.

Partition. The division of the property held jointly.

Partner. A member of a firm of partnership.

Partnership. "Partnership is the relation between persons who have agreed to share the profits of a business carried on by all or any of them acting for all." Section 4 of The Indian Partnership Act.

Parwana. An order. (An Indian term)

Parvarish. To maintain ; to bring up. (An Indian term.)

Patent. A grant of some right or privilege made by the Government of a country to the individuals.

Patent Ambiguity. An ambiguity which appears on the face of the instrument, and arises from the defective, obscure, or insensible language used.

Paterfamilias. The head of a family. A Roman law term.

Patria potestas. The paternal authority. A Roman law term.

Pauper. A suitor who is so poor that he cannot meet the expenses of his case and hence allowed to sue or defend without paying them. Explanation to Rule 1 of Order XXXIII of the Civil Procedure Code provides that, "A person is a 'pauper' when he is not possessed of sufficient means to enable him to pay the prescribed fee for the plaint in such suit, or, where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing apparel and the subject matter of the suit."

Pawn. The delivery of a property as a security for a sum of money borrowed.

Pawnee. The receiver of pawn. See section 172 of the Indian Contract Act.

Payable. Capable of being paid.

Payable After Sight. "In a promissory note or bill of exchange the expression 'at sight' and 'on presentment' means on demand. The expression 'after sight' means, in a promissory note, after presentment for sight, and, in a bill of exchange, after acceptance, or noting for non-acceptance or protest for non-acceptance." Section 21 of the Negotiable Instruments Act.

Payee. The person named in the instrument, to whom or to whose order the money is by the instrument directed to be paid, is called the payee. See section 7 of the Negotiable Instruments Act.

Payment in Due Course. Section 10 of The Negotiable Instruments Act provides that, "Payment in due course means payment in accordance with the apparent tenor of the instrument in good faith and without negligence to any person in possession thereof under circumstances which do not afford a reasonable ground for believing that he is not entitled to receive payment of the amount therein mentioned."

Pecuniary. Relating to money.

Penal. Punishable.

Penal Laws. Laws forbidding an act and inflicting a punishment for the breach. A law imposing a punishment.

Penance. A punishment for spiritual offences imposed by an ecclesiastical court.

Pendente lite. During the litigation.

Penetration. The insertion of male organ into the female parts, however little. It is sufficient to constitute sexual intercourse essential to the offence.

Per annum. By the year.

Per capita. By heads ; according to the number of heads.

Per Curiam. By the court.

Per diem. By the day.

PER

Per fraudem. By means of fraud.

Per quod. Whereby.

Per se. By itself.

Per stirpes. By root or by branches.

Perform. In law of contracts—to fulfill or to accomplish the obligation according to its terms.

Performance. The fulfilment of an obligation.

Performance, Specific. Performance of a contract in the specific form in which it is made. The doctrine of specific performance is that, where damages would be an inadequate compensation for the breach of an agreement, the promisor is compelled to perform specifically what he has promised. Section 12 of the Specific Relief Act provides the contracts which can be specifically enforced. It says that, "Except as otherwise provided in this Chapter, the specific performance of any contract may in the discretion of the Court be enforced.

(a) when the act agreed to be done is in the performance, wholly or partly, of a trust ;

(b) when there exists no standard for ascertaining the actual damage caused by non performance of the act agreed to be done ;

(c) when the act agreed to be done is such that pecuniary compensation for its non performance would not afford adequate relief ; or

(d) when it is probable that pecuniary compensation cannot be got for the non performance of the act agreed to be done."

"The following contracts cannot be specifically enforced :—

(a) A contract for the non performance of which compensation in money is an adequate relief ;

(b) a contract which runs into such minute or numerous details, or which is so dependent on the personal qualifications or volition of the parties, or otherwise from its nature, is such, that the Court cannot enforce specific performance of its material terms ;

(c) a contract the terms of which the Court cannot find with reasonable certainty ;

- (d) a contract which is in its nature revocable ;
- (e) a contract made by trustees either in excess of their powers or in breach of their trust ;
- (f) a contract made by or on behalf of a corporation or public company created for special purposes, or by the promoters of such company which is in excess of its powers ;
- (g) a contract the performance of which involves the performance of a continuous duty extending over a longer period than three years from its date ;
- (h) a contract of which a material part of the subject matter, supposed by both parties exist, has, before it has been made, ceased to exist.” Section 21 of the Specific Relief Act.

Performance, part. The doing of a portion of a contract to which the parties have agreed. See section 53 A of the Transfer of Property Act. “An act of part performance must be an act done in performance of the contract, and act introductory to, and previous to the agreement, cannot, therefore, be acts of part performance.” *Parker V. Smith* (1845) 1 Col. L. C. 608

Perils of the Sea. A term used in maritime and marine insurance law. Accidents peculiar to water.

Perishable Goods. Goods subject to speedy and natural decay.

Perjury. Falsely swearing ; giving false evidence.

Perpetual. Indefinite in respect of time ; never ending.

Perpetual Injunction. See Injunctions.

Perpetuity. A condition by which the right to alienate a property is restricted till the life or lives of living beings and twenty-one years thereafter. See Rule Against Perpetuity.

Perquisites. Additional benefits attached with an office apart from salary or regular fee.

Person. Any body who is capable of acquiring legal rights or who is subject to legal duties. Persons are of two kinds—natural and artificial. According to section 3 of the General Clauses Act, “Person shall include a corporation or any company or association of individuals whether incorporated or not.” The word ‘person’ does not include the word ‘Crown’ or ‘State’. *Ram Saran Das V. Province of East Punjab* A. I. R. 1954 Punj. 49 (D. B.)

PER

Persona non grata. In International law. Persons not acceptable to a court or to a government as ministers or ambassadors.

Personal Effects. Articles belonging to a particular person.

Personalis actio. A personal action.

Peshkar. A subordinate revenue officer ; also a clerk of the court ; (An Indian term)

Petition. A written application made by a person or persons to a Court or some other authority praying for redress.

Petition of Right. A proceeding in Chancery by a person for the recovery of possession from the king.

Pickpocket. A thief who secretly takes away the money and other contents from the pockets of the persons.

Piracy. Robbery on the high seas.

Placitare. To plead.

Plaint. An application containing the cause of action submitted to a Court. According to Order VII Rule 1, "The plaint shall contain the following particulars :—

- (a) The name of the Court in which the suit is brought ;
- (b) the name, description and place of residence of the plaintiff ;
- (c) the name, description and place of residence of the defendant, so far as they can be ascertained ;
- (d) where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect ;
- (e) the facts constituting the cause of action and when it arose ;
- (f) the facts showing that the Court has jurisdiction ;
- (g) the relief which the plaintiff claims ;
- (h) where the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished ; and
- (i) a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of court-fees, so far as the case admits."

Plaintiff. One who brings an action ; a person presenting a plaint or a complaint to get a relief from Court.

Plea. A pleading ; the answer of the defendant to an action brought by the plaintiff.

Pleader. One who draws pleadings and who pleads for others. It includes an advocate and a vakil.

Pleading. Plaint or written statement. According to Order VI Rule 1 of the Civil Procedure Code, "Pleading shall mean plaint or written statement." Rule 2 provides that, "Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which they are to be proved and shall, where necessary, be divided into paragraphs, numbered consecutively. Dates, sums and numbers shall be expressed in figures.

Plebiscite. In modern constitutional law, the name 'plebiscite' has been given to a vote of the entire people, (that is, the aggregate of the enfranchised individuals composing a state or nation,) expressing their choice for or against a proposed law or enactment submitted to them, and which, if adopted, will work a radical change in the constitution, or which is beyond the powers of the regular legislative body. (Black's Law Dictionary)

Pledge. "The bailment of goods as security for payment of a debt or performance of a promise is called 'pledge'. The bailor is in this case called the 'pawnor'. The bailee is called the 'pawnee'."

Political Offences. Offences committed for the purpose of creating political disturbances, or to attack a thing established in a country or for obtaining any political object.

Poll. The process of giving votes at an election.

Possession. "Physical detention coupled with the intention to hold the thing detained as one's own."—Maine

"The continuing exercise of a claim to the exclusive use of a material object."—Salmond.

"When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this code." Section 27 of the Indian Penal Code.

"Possession must be given the widest possible meaning. It should not be confined to possession, actual or constructive, but must be extended to every form of possession known to law. A person having title or ownership has the right to possess though, in fact, he has not." *Smt. Krishna Dassi Saha V. Alhil Saha* 1958 Cal. 671 on section 14(2) of Hindu Succession Act.

Possession is constructive when it is not actual but assumed to exist, where one claims to hold by virtue of some thing, without having the actual occupancy.

Precarious possession is the possession enjoyed by one person with the leave of another and during his pleasure.

Possessor bona fide. One who possesses in good faith.

Post-mortem. The examination of a dead body in order to determine the cause of death or the inquisition for that purpose by the coroner.

Posthumous Child. A child born after the death of his father.

Postpone. To adjourn.

Pour Appuyer. For the support of.

Power of Attorney. An instrument by which one person is authorised to act as an agent of the other.

Praedial Servitude. A right which can be enjoyed by every possessor for the advantage of a piece of land over the land of another.

Praetor. The chief judicial magistrate of Rome. (A Roman law term)

Preamble. The clause set out at the beginning of a constitution, charter or statute showing the object and the reason for which that constitution or act has been passed, and which are sought to be accomplished.

Precatory Trust. A trust declared by certain words.

Precedent. Anything said or done by a court which furnishes a rule for subsequent conduct. "Precedents are judicial decisions followed in subsequent cases."—Salmond.

Precedent Condition. A condition which must be fulfilled or

performed before the performance of the obligation under an instrument to which it is attached.

Precept. "(1) Upon the application of the decree-holder the Court which passed the decree may, whenever it thinks fit, issue a precept to any other court which would be competent to execute such decree to attach any property belonging to the judgment-debtor and specified in the precept.

(2) The Court to which a precept is sent shall proceed to attach the property in the manner prescribed in regard to the attachment of property in execution of a decree :

Provided that no attachment under a precept shall continue for more than two months unless the period of attachment is extended by any order of the court which passed the decree or unless before the determination of such attachment the decree has been transferred to the Court by which the attachment has been made and the decree-holder has applied for an order for the sale of such property." Section 46 of the Code of Civil Procedure.

Preceding. Next before.

Pre-emption. "A right which the owner of certain immoveable property possesses, as such, for the quite enjoyment of that immoveable property, to obtain proprietary possession of certain other immoveable property, not his own, on such terms as those on which such latter immoveable property is sold to another person." *Govind Dayal V. Inayatullah*, per Mahmood J.

Preference Share. Shares giving a preferential rights to its holders as to the payment of dividend or as to payment at the time of winding up or both.

Preferential Debts. In insolvency law. Debts which are to be paid first out of the assets of the insolvent.

Premises. A house or land. The word 'premises' in Madras District Municipalities Act and Local Boards Act should be understood as meaning a building with land adjacent to it. A building is a necessary criterion. Hence installation in an open field will not be installation in the 'premises' within the meaning of section 253. *Public Prosecutor V. R. Chetty A. I. R. 1954 Mad. 285 (D. B.)*

Premium. A reward ; a consideration ; a prescribed periodical payment ; the payment of insurance money after a fixed duration.

Prerogative. An exclusive right or power vested in an official person.

Prerogative Writ. Writs issued by the superior courts to the inferior courts preventing the later from exceeding the limits of their jurisdiction or for compelling them to exercise their functions according to law.

Prescribe. To claim a right by prescription ; to say authoritatively.

Prescription. Acquisition of a right by long and continued use. Section 15 of the Indian Easements Act provides that, "Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, without interruption, and for twenty years,

and where support from one person's land or things affixed thereto, has been peaceably received by another person's land subjected to artificial pressure or by things affixed thereto, as an easement, without interruption, and for twenty years,

and where a right of way or any other easement has been peaceably and openly enjoyed by any person claiming title thereto, as an easement, and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, support or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested."

Presentment. The production of a negotiable instrument.

Presentment for Acceptance. "A bill of exchange payable after sight must, if no time or place is specified therein for presentment, be presented to the drawee thereof for acceptance, if he can, after reasonable search, be found, by a person entitled to demand acceptance, within a reasonable time after it is drawn, and in business hours on a business day. In default of such presentment, no party thereto is liable thereon to the person making such default..."

Section 61 of the Negotiable Instruments Act. For presentment for payment see section 64 of the same Act.

Presume. Taking a thing to be true. See also section 4 of the Indian Evidence Act.

Presumption of Innocence. A person is presumed by law to be innocent until he is proved guilty beyond reasonable doubt.

Presumption of Survivorship. Where two or more persons perished in the same accident and no circumstances to show who died first, then it will be presumed that the death took place in the sequence of age i. e., the older died first and the younger afterwards.

Presumption Juris. A presumption of law.

Preventive Justice. Law dealing with the prevention of offences. See chapter VIII to XIII of the Criminal Procedure Code.

Prima facie. At the first sight.

Primary Evidence. The best evidence. The first hand evidence.

Principal. In the law of agency. A person who authorises another to act for him.

Prison. A place for the confinement of the prisoners.

Prisoner. A person who has been deprived of his liberty as a punishment for some offence.

Private Company. According to section 3 (iii) of the Indian Companies Act, "Private company means a company which, by its articles :—

- (a) restrict the right to transfer its shares, if any ;
- (b) limits the number of its members to fifty not including—
 - (i) persons who are in the employment of the company, and
 - (ii) persons who, having been formerly in the employment of the company, were members of the company while in that employment and have continued to be members after the employment ceased ; and
- (c) prohibits any invitation to the public to subscribe for any shares in, or debentures of, the company :

PRI

Provided that where two or more persons hold one or more shares in a company jointly, they shall, for the purpose of this definition, be treated as a single member."

Private International Law. A branch of International Law.

Privilege. A benefit conferred on a person, company or a class ; also an exemption from some burden.

Privileged Communications. Communications privileged or protected by law. Sections 121 to 129 of the Indian Evidence Act provides the circumstances under which a communication is privileged. (1) No person who is or has been married shall be compelled to disclose any communication made to his during marriage by any person to whom he is or has been married ; nor shall be permitted to disclose any such communication, unless the person who made it consents, except in suits between married persons or proceedings in which one married person is prosecuted for crime committed against her, (Sec. 122). (2). Evidence as to affairs of State may not be compelled to be given except with the consent of the departmental head, (Sec. 123). (3) Official communications are privileged (sec. 124). (4) Sources of information regarding commission of offences cannot be compelled, (Sec. 125). (5) Professional communications (Sec. 126). (6) Confidential communications as statement laid by client before counsel for purpose of obtaining legal advice are privileged (Sec. 129).

Privy Council. The highest council of the land.

Privy Purse. The income set apart for the Sovereign's personal use.

Prize Court. Courts specially constituted for the purpose of adjudicating upon captures made at sea in time of war, according to the principles of international law, and to condemn the captured property as prize.

Prize Law. Law and rules relating to the capture of property at sea.

Prize Money. A dividend to the captors of a vessel etc., out of the proceeds thereof.

Pro confesso. As confessed.

Pro defendente. For the defendant.

Pro derelicto. As abandoned.

Pro diviso. As divided.

Pro donatio. As a gift.

Pro facto. For the fact.

Pro forma. As a matter of form.

Pro hac vice. For this occasion.

Pro indefenso. As undefended.

Pro indiviso. As undivided.

Pro rata. In proportion ; according to certain rate.

Probate. A certificate issued by a Court that the will of a certain person has been proved and registered, and granting him the right to administer the estate of the testator.

Probation. On test or trial.

Probationer. The person who is put up on trial.

Procedural Law. The law prescribing the mode of moving to a court and enforcing a right.

Proceeding. A step taken in Court ; manner of conducting the judicial business.

Proceeds. Income ; yield ; a sum received out of the sale of a property etc.

Process. The writs, orders or summonses issued during the action ; also a mode whereby a result or effect is produced.

Proclamation. A publication or formal declaration by authority.

Proclamation of Emergency. Article 352 (1) of the Constitution of India provides that, "If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect." Article 353 provides that the effect of Proclamation of Emergency, is in operation, then,—

- (a) notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised :

PRO

(b) the power of Parliament to make laws with respect to any matter shall include power to make laws conferring of powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Union of officers and authorities of the Union as respects that matter, notwithstanding that it is one which is not enumerated in the Union List.

Procuration. An agency ; proxy ; to represent another.

Prodigal. One who is incapable of managing his own affairs.

Profit a Prendre. Right to enter on the land belonging to another and to take the produce or part of the soil.

Prohibit. To prevent or forbid by law.

Prohibited Degrees. Relationship within which a marriage between two persons is forbidden by law.

Prohibition. A restriction on the use of liquor. "The writ of prohibition is a prerogative writ.....directed to.....an inferior Court, which forbids such Court to continue proceedings therein in excess of its jurisdiction or in contravention of the laws of the land." *Channel Coalng Co. V. Ross*, (1907) 1 K. B. 145. See also Writ.

Promise. Section 2 (a) of the Indian Contract Act provides that, "When one person signifies to another his willingness to do or to abstain from doing anything, with a view to obtaining the assent of that other to such act or abstinence, he is said to make a proposal : " and sub-clause (b) provides that "when the person to whom the proposal is made signifies his assent thereto, the proposal is said to be accepted. A proposal, when accepted, becomes a promise."

Promisee. A person accepting a proposal.

Promisor. A person making a proposal.

Promissory Note. "A 'promissory note' is an instrument in writing (not being a bank note or a currency-note) containing an unconditional undertaking, signed by the maker, to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument." Section 4 of The Negotiable Instruments Act.

Promote. To enlarge ; to forward ; to incorporate a company.

Promoter. One who promotes.

Promulgation. The issue of a law or order, to make it public.

Pronounce. To declare officially.

Proof. Conclusions drawn from the evidence.

Property. A name for all that a person can have dominion over.

Proposal. An offer. Section 2 (a) of the Indian Contract Act provides that, "When a person signifies to another his willingness to do or to abstain from doing anything, with a view to obtaining the assent of that other to such act or abstinence, he is said to make a proposal."

Prosecute. To carry on judicial proceedings against another.

Prosecution. To institute and carry on the criminal proceedings ; also criminal proceedings in general.

Prosecutor. A person who, in the name of the government, prosecutes another in a court of law for a crime.

Protest. According to the Negotiable Instruments Act : "When the promissory note or bill of exchange has been dishonoured by non-acceptance or non-payment, the holder may, within a reasonable time, cause such dishonour to be noted and certified by a notary public. Such certificate is called a protest. When the acceptor of a bill of exchange has become insolvent, or his credit has been publicly impeached, before the maturity of the bill, the holder may, within a reasonable time, cause a notary public to demand better security of the acceptor, and on its being refused may, within a reasonable time, cause such facts to be noted and certified as aforesaid. Such certificate is called a protest for better security." Section 100

Proved. A fact is said to be proved when, after considering the matters before it, the court either believes it to exist or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists. Section 3 of the Indian Evidence Act.

Provident Fund. According to Section 2 of the Provident Fund Act of 1925, "Provident Fund means a fund in which subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions

PRO

and any interest or increment accruing on such subscription, deposits or contributions under the rules of the Fund.

Proviso. An exception or limitation attached to a section, or article, of an Act or to a deed, mortgage or contract etc.

Provocation. Instigating another to commit a particular act. See exceptions to section 300.

Proximate Cause. Immediate cause of an injury, unbroken by any intervening cause.

Proxy. A substitution for another, deputed by the person who is so substituted.

Pseudo. False ; Counterfiet.

Puberty. The age of 14 in the case of a male and 12 in the case of a female.

Public. The word 'public' in section 144 (3) of the Criminal Procedure Code includes members of the public already in the locality as residents as well as visitors from outside.

Public Company. A company, which is not a private company, is a public company.

Publication. To make known to the public.

Puer. A boy between the age of seven to fourteen.

Puisne. Junior or subordinate.

Pukhta. Strongly constructed. (An Indian term)

Punishment. A pain, penalty or sufferings inflicted upon a person by an authority for an offence committed by him.

Purchase. Acquisition of property on payment of a consideration.

Q

Q. B. An abbreviation of "Queen's Bench."

Q. B. D. An abbreviation of "Queen's Bench Division."

Quabiz. In the possession of. (An Urdu term)

Que est eadem. Which is the same.

Que non fieri debent, facta, valent. Things which ought not to be done are held valid when they have been done.

Quere. A query ; a doubt.

Querens. The plaintiff.

Qualified Acceptance. A partial acceptance or an acceptance with condition altering the proposal. Section 7 of the Indian Contract Act provides that, "In order to convert a proposal into a promise, the acceptance must—(1) be absolute and unqualified."

Qualified Privilege. A defence in an action for defamation. It has been observed by Parke B in *Toogood V. Spyring* (1834) 1 C. M. & R. 181 at 193 that a defamatory statement is protected if it is, "fairly made by a person in the discharge of some public or private duty, whether legal or moral, or in the conduct of his own affairs, in matters where his interest is concerned. If fairly warranted by any reasonable occasion or exigency, and honestly made, such communications are protected for the common convenience and welfare of the society ; and the law has not restricted the right to make them within any narrow limits."

Qualify. To render oneself fit for an award, right or office.

Quando Acciderint. When they shall come in.

Quantum Damnificatus. How much should be the quantum of damages.

Quantum Meruit. As much as he deserved.

Quare. For what reason.

QUA

Quash. To vacate ; to make void.

Quasi-contracts. An obligation similar to that of a contract arising from the relation between the parties and not from an agreement between them. Chapter V of the Indian Contract Act deals with certain relations resembling those created by contract. Section 68 provides that if any person supplies the necessaries to any person who is incapable of entering into a contract or to any one whom he is legally bound to support, e. g., his wife or children, the person who has furnished such necessaries is entitled to be reimbursed from the property of such incapable person. Section 69 says that if a person makes the payment of a sum of money in which he is interested and the other is legally bound to pay that sum, than he is entitled to recover it from that other. Section 70, "Where a person lawfully does anything for another person, or delivers anything to him, not intending to do so gratuitously, and such other person enjoys the benefit thereof, the latter is bound to make compensation to the former in respect of, or to restore, the thing so done or delivered." Section 71 provides with the responsibility of the finder of goods and section 72, the liability of persons to whom money is paid, or thing delivered, by mistake or under coercion.

Quasi-estoppel. The principle by which a party is precluded from asserting a right inconsistent with his previous position.

Quasi-judicial. Actions of judicial nature performed by public administrative officers while carrying on their official duties.

Qui approbat non reprobate. One who approbates does not reprobate.

Qui facit per alium facit per se. He who acts through another acts himself.

Qui non negat fatetur. One who does not deny, admits.

Qui per Fraudem agit frustra agit. What has been done fraudulently is in vain.

Qui tacet, consentire videtur. The silence of a person is supposed to be his consent.

Quid pro quo. Something for something. (A term used in the law of contracts for giving one valuable thing for another.)

Quo Warranto. A writ which can be issued by the High Courts under Article 226 of the Constitution of India. See Writ.

Quoad hoc. As to this.

Quod computet. That he account.

Quod est necessarium est licitum. What is necessary is lawful.

Quod necessitas cogit defendit. That which necessity compels, it justifies.

Quod non Habet principium non habet finem. That which has not beginning has not end.

Quod nota. Which note.

Quod nullius est, est domini regis. The property which is of nobody belongs to the king.

Quod recuperet. That he recover.

Quod Vide. Which see ; generally abbreviated as “q.v.”

Quorum. The majority of a body. See section 174 of the Indian Companies Act for provisions relating to quorum for company meetings.

Quota. A part or a share.

R

R. An abbreviation for ‘rex’ (king) or ‘regina’ (queen)

Rahan. Mortgage (An Indian Term)

Ransom. In international law. The redemption of property from the enemy captured by him at sea.

Rape. The unlawful carnal knowledge of a woman by force against her will. "A man is said to commit rape who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions :—

First—Against her will.

Secondly—Without her consent.

Thirdly—With her consent, when her consent has been obtained by putting her in fear of death, or of hurt.

Fourthly—With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly—With or without her consent, when she is under sixteen years of age." Section 375 of the Indian Penal Code.

Rapine. Forcibly taking the property of another against his will. Same as Robbery.

Ratable. In proportion.

Ratification. Confirmation of a previous act. Sections 196 to 200 of the Indian Contract Act deal with the provisions relating to ratification in the cases of agency. "Where acts are done by one person on behalf of another, but without his knowledge or authority he may elect to ratify or disown such acts. If he ratify them, the same effects will follow as if they had been performed by his authority." Section 196. Ratification may be expressed or it may be implied.

Ratio decidendi. The ground of decision.

Ratio legis. The reason of making a law.

Ravish. To rape.

Rawanna. A clearance. (An Indian term)

Razi. To agree ; to compromise. (An Indian term)

Re. In the matter of.

Rebate. Discount ; Commission.

Rebellion. A deliberate taking up of arms against the govern-

ment by its subjects. In Indian Penal Code it is known as 'waging war' and is dealt with in sections 121 to 123.

Rebut. To bar ; to defeat.

Rebuttable Presumption. A term used in the law of evidence. A presumption which can be rebutted by evidence.

Receipt. An acknowledgment in writing confirming that a sum of money or property has been received.

Receiver. One to whom a thing is delivered. In insolvency law—a person appointed by the court to collect the belongings of a debtor and to distribute them among his creditors. Order XL Rule 1 of the Civil Procedure Code provides that :—

1. (1) Where it appears to the Court to be just and convenient, the Court may by order :—

(a) appoint a receiver of any property, whether before or after decree ;

(b) remove any person from the possession or custody of the property ;

(c) commit the same to the possession, custody or management of the receiver ; and

(d) confer upon the receiver all such powers as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits, and the execution of documents as the owner himself has, or such of those powers as the Court thinks fit.

Recidivist. An incorrigible offender.

Reciprocal Promise. "Promise which form the consideration or part of the consideration for each other are called reciprocal promises." Section 2 (f) of the Indian Contract Act.

Reckless. Careless.

Reclaim. To claim back or to take back.

Reconveyance. The transfer of mortgaged property to the mortgagor or to his representative when the mortgage debt is paid off.

Record. To prepare something in writing ; also an instrument ; deed.

Recover. To take back.

Rectification. The process of correcting a register or an instrument. Sections 31 to 34 of The Specific Relief Act deal with the rectification of instruments. "When, through fraud or a mutual mistake of the parties, a contract or other instrument in writing does not truly express their intention, either party, or his representative in interest, may institute a suit to have the instrument rectified ; and if the court finds it clearly proved that there has been fraud or mistake in framing the instrument, and ascertain the real intention of the parties in executing the same, the Court may in its discretion rectify the instrument so as to express that intention, so far as this can be done without prejudice to rights acquired by third persons in good faith and for value." Section 31. See 1946 P. C. 42.

Redeem. To take back on payment of consideration. Section 60 of The Transfer of Property Act provides the right of mortgagor to redeem. "At any time after the principal money has become due, the mortgagor has a right, on payment or tender, at a proper time and place, of the mortgage money, to require the mortgagee, (a) to deliver to the mortgagor the mortgage deed and all documents relating to the mortgaged property which are in the possession or power of the mortgagee, (b) where the mortgagee is in possession of the mortgaged property, to deliver possession thereof to the mortgagor, and (c) at the cost of the mortgagor either to retransfer the mortgaged property to him or to such third person as he may direct, or to execute and (where the mortgage has been effected by a registered instrument) to have registered an acknowledgment in writing that any right in derogation of his interest transferred to the mortgagee has been extinguished.

Provided that the right conferred by this section has not been extinguished by the act of the parties or by decree of a Court.

The right conferred by this section is called a right to redeem and a suit to enforce it is called a suit for redemption."

Redemption. A paying off of a loan, and taking the mortgaged property back.

Redemption, Equity of. See Equity of Redemption.

Redress. Satisfaction for an injury.

Reentry. The resumption or re-taking possession of some property which was lost before.

Re-examination. An examination of a witness after his cross-examination is over upon matters arising out of such cross-examination. Section 137 of the Indian Evidence Act defines re-examination as, ".....The examination of a witness, subsequent to the cross-examination, by the party who called him, shall be called his re-examination."

Reference. An act of sending or directing a person or a firm to another for the purposes of making some inquiries or for collecting some information about his character, solvency etc. Also submitting a dispute arising between the contracting parties to the arbitration. Section 432 (1) of the Criminal Procedure Code provides that, 'Where any Court is satisfied that a case pending before it involves a question as to the validity of any Act, Ordinance or Regulation or any provision contained in an Act, Ordinance or Regulation, the determination of which is necessary for the disposal of the case, and is of opinion that such Act, Ordinance, Regulation or provision is invalid or inoperative, but has not been so declared by the High Court to which that Court is subordinate or by the Supreme Court, the Court shall state a case setting out its opinion and the reasons therefor, and refer the same for the decision of the High Court.' Section 113 of the Civil Procedure Code provides that, "Subject to such conditions and limitations as may be prescribed, any Court may state a case and refer the same for the opinion of the High Court, and the High Court may make such order thereon as it thinks fit :"

Referendum. Submitting a dispute of legislative nature to a direct vote of the whole people.

Reformatory. A place to keep juvenile offenders for the purpose of improving their conduct.

Refreshing the Memory. The act of looking to the documents or papers by a witness. Section 159 of the Evidence Act says that, "A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory."

REG

The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document :

Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treatises."

Regina. The queen, abbreviated as "R".

Register. A public book.

Registered. Recorded in some public book or in official register. Section 3 (49) of the General Clauses Act says that, "Registered used with reference to a document, shall mean registered in a Part A State or a Part C State under the law for the time being in force for the registration of documents." See also The Indian Registration Act.

Registration. Enrollment ; insertion in an official record.

Regulation. An old name of Acts or Rules ; also an act of control or regulating or conducting an affair in a particular manner. "Regulation shall mean a Regulation made by the President under Article 243 of the Constitution, and shall include a Regulation made by the Central Government under the Government of India Act, 1870, or the Government of India Act, 1915, or the Government of India Act, 1935." Section 3(50) of The General Clauses Act.

Re-hearing. Consideration of a cause by a court once again.

Reimburse. Restoration or repayment.

Reinsurance. A contract made by an insurer with a third person to protect himself from a risk already taken by him ; an additional insurance on the same risk. It binds the reinsurer to pay to the reinsured the whole loss sustained in respect of the subject of the insurance to the extent to which he is reinsured. Reinsurance differs from double insurance.

Rejoinder. The answer given by the defendant to the reply given by the plaintiff.

Relation Back. The doctrine by which an act is made to produce the same effect as if it had occurred at an earlier time. Thus, an adjudication in insolvency relates back to the act of insolvency on which the receiving order was made. Section 28 (7) of the Provincial Insolvency Act provides that, "An order of adjudication shall relate back to, and take effect from, the date of the presentation of the petition on which it is made."

Release. To discharge ; to relinquish. This term has a variety of meanings according to its use.

Relevant. Providing something to the matter in question. "One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts." Section 3 of the Indian Evidence Act. A fact so connected, directly or indirectly, with a fact in issue in an action or other proceeding that it tends to prove or disprove the fact in issue.

Relief. Redress sought in a Court for some wrong.

Religion, offences against. Chapter XV sections 295 to 298 of the Indian Penal Code deal with the offences relating to religion.

(1) Injuring or defiling place of worship with intent to insult the religion of any class of persons. Section 295.

(2) Voluntarily disturbing a religious assembly. Section 296.

(3) Committing a trespass in any place of worship, or any place of sepulture or any burial place, offering any indignity to a corpse, or disturbing persons performing funeral ceremonies, with the intention of wounding the feelings or of insulting the religion of any person, or with the knowledge that the feelings of any person, are likely to be wounded. Section 297.

(4) Uttering words etc., with deliberate intent to wound religious feelings. Section 298.

Relinquishment. A release of a claim or right ; renouncing.

Remainder. A residue of interest ; an estate limited to take effect and be enjoyed after another estate is determined.

Remand. To remand a prisoner is to send him back to the custody for further investigations ; sending back a cause to the same court for having some action on it there.

Remedial Statutes. Acts intended to afford a remedy against unlawful acts, causing injury to a person.

Remedy. The legal recompense or redress for the violation of a right. It is the ultimate result derived from an action.

Remission. A release from a charge or debt by the Crown or President. Article 72 of the Constitution of India provides the powers of President and Article 161 of the Governors of States, to grant pardons etc., and to suspend, remit or commute sentences in certain cases. See Pardon.

Remote cause. A cause which does not lead directly to the event that has happened. (A term used in law of tort for negligence.)

Remoteness. Having no direct or close connection or relation between a wrong committed by a person and the injury suffered by the other.

Remuneration. Reward or consideration for the services rendered ; salary.

Rendezvous. A meeting place.

Renounce. To give up.

Rent. Consideration or compensation for the use or occupation of land or other property.

Although the use of the word 'rent' in modern times is not confined to payment received for the use of immoveable property only and it is used in connection with moveables also, the primary meaning of the term is properly referable to a payment for the enjoyment of immoveable property only. *Pukhraj V. Mohammed Ali* A. I. R. 1957 Raj. 279.

The term 'rent' is comprehensive enough to include all payments agreed by the tenant to be paid to his landlord for the use of and occupation not only of the building and its appurtenances but also of furnishings, electric installations and other amenities agreed between the parties to be provided by and at the cost of the landlord. Therefore, all that is included in the term 'rent' is within the purview of the Act. *Karnani Properties V. Miss Augustine* A. I. R. 1957 S. C. 309.

Reparation. A redress for an injury.

Repeal. Revocation or complete abrogation of an Act by a new statute.

Replication. A reply submitted by the plaintiff to the defendant's plea.

Reprieve. The suspension or withdrawal of the execution of a sentence of death for the time being.

Reprimand. A public censure.

Reprisal. An act of retaliation for an injury or attack ; to procure redress by forcibly taking the belongings of another State for an injury caused to him by other State.

Reputed Ownership. The doctrine that if the circumstances in which property is in a trader's possession, order or disposition, are such as to lead to a fair and reasonable inference amongst persons likely to have dealings with him, that he is the owner, and if the real owner is a consenting party, that property is said to be in his reputed ownership, and on the trader becoming bankrupt, that property is divisible among his creditors. (Osborn—A Concise Law Dictionary) Section 52 (2) (c) of the Presidency Town Insolvency Act provides that, "all goods, being at the commence of the insolvency in the possession, order or disposition of the insolvent, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof : Provided that things in action other than debts due or growing due to the insolvent in the course of his trade or business shall not be deemed goods within the meaning of clause (c)."

Requisition. A seizure of property under authority of law. Article 31 (2) of the Constitution of India provides that, "No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given ; and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate."

Res. A thing ; also action or proceeding.

RES

Res gestae. Things done ; facts accompanying a transaction, which is the subject of legal proceedings. (A principle of the law of Evidence.)

Res integra. An undecided thing.

Res ipsa loquitur. The thing speaks for itself.

Res judicata. A matter already adjudged or decided. Section 11 of the Civil Procedure Code deals with the provisions relating to the principle of res judicata. It says that, "No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court." See Explanation to section 11 also:

Res nullius. A property of nobody ; an ownerless thing.

Resale. A second sale. See section 54 of the Sale of Goods Act.

Rescind. To annul or abrogate ; revoke.

Rescission of Contract. Annulment or revocation of a contract. See section 63 and 64 of the Indian Contract Act.

Residence. A place where a person lives. A place of abode.

Resolution. An expression of opinion of a body. "(1) A resolution shall be an ordinary resolution when at a general meeting of which the notice required under this Act has been duly given, the votes cast (whether on a show of hands or on a poll, as the case may be) in favour of the resolution (including the casting vote, if any, of the chairman,) by members who, being entitled so to do, vote in person, or where proxies are allowed, by proxy, exceed the votes, if any, cast against the resolution by members so entitled and voting. (2) A resolution shall be a special resolution when —

(a) the intention to propose the resolution as a special resolution has been duly specified in the notice calling the general meeting or other intimation given to the members of the resolution ;

(b) the notice required under this Act has been duly given of the general meeting ; and

(c) the votes cast in favour of the resolution (whether on a show of hands, or on a poll, as the case may be,) by members who, being entitled so to do, vote in person, or where proxies are allowed, by proxy, are not less than three times the number of votes, if any, cast against the resolution by members so entitled and voting.”
Section 189 of the Companies Act.

Respondent. A party who answers a claim, petition or appeal.

Responsa Prudentium. In Roman Law. Answers given by jurists.

Restitution. Putting or keeping a thing in the same condition or situation as it was ; restoration. See section 144 of the Civil Procedure Code for the procedure for an application of restitution.

Restitution of Conjugal Rights. A prayer by a husband or wife to compel the other spouse living separately without sufficient cause to return to his or her company. Section 9 of the Hindu Marriage Act provides that, “(1) When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statement made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.”

Resulting Trust. A trust arising from the operation of equity.

Retrospective Law. A law effecting facts and rights in existence before it came into force.

Revenue. The income of Government from various sources ; also profits from the yields of land.

Reversioner. A person entitled to succeed to a property after the lifetime of a limited heir.

Review. A Judicial re-examination. See section 114 of the Civil Procedure Code.

Revision. A re-examination by a superior court for the purpose of correction or improvement. Section 115 of the Civil Procedure Code.

Code—The High Court may call for the record of any case which has been decided by any court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears—

- (a) to have exercised a jurisdiction not vested in it by law, or
- (b) to have failed to exercise a jurisdiction so vested, or
- (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity, the High Court may make such order in the case as it thinks fit.” See also section 439 of the Criminal Procedure Code.

Revocation. The recalling back of some right, power or authority ; making a deed void. It may be for all the acts and things done or for particular act. In the former case it is called general whereas in the latter a special revocation.

Rex. The king, as a prosecuting party in a criminal case.

Right. A power of free action ; a privilege ; a claim to a thing ; an interest in an object. “A faculty which resides in a determinate party or parties, by virtue of a given law and which avails against a party or parties other than the party or parties in whom it resides.”—Austin. “A right is an interest recognized and protected by a rule of right. It is an interest, respect for which is a duty, and the disregard of which is a wrong.”—Salmond.

“A right is an interest which is recognised and protected by law. As it is recognised by law a man is entitled to have it. As it can be protected by law the possessor can enforce it by an appropriate action in a court.” *Maloji Narsing Rao V. Shankar Saran* 1958 All. 775.

Riot. A disturbance of peace by five or more persons for a common object. “Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.” Section 146 of the Indian Penal Code.

Risk. In insurance law. The dangers or hazards insured against.

Riwaz. A custom. (An Urdu Term)

Robber. One who commits a robbery.

Robbery. Forcibly and violently taking of property or money from the person or possession of another without his consent. It is an aggravated form of either theft or extortion. See Section 390 of the Indian Penal Code.

Roman Law. Laws prevailing among the Romans, including the collections of Justinian the "Corpus Juris Civilis."

Rout. In English law. An unlawful assembly of three or more persons which has made a motion towards the execution of the common purpose.

Rukah. A note of hand ; also used for promissory note. (An Indian Term)

Rule. Regulations set up by the authorities like government, company, etc., which are binding on its subjects or members ; a command of the court.

Rule Against Perpetuity. "No transfer of property can operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the interest created is to belong." Section 14 of The Transfer of Property Act. See Perpetuity.

Rule nisi. A rule which will become final and binding unless cause be shown against it.

Rule of Law. Legal principles having the sanction of authorities. The term 'rule of law' in brief connotes the undisputed supremacy of law and envisages a state of things in which every one respects the law and where law has to be followed by every one collectively and individually by the citizens as well as the State. *Laxminarayan Gupta V. Collector, District Shivpuri* A. I. R. 1956 Madh. B. 163 (D. B.)

Rupee. The currency of India.

Ryot. A peasant, subject, tenant of land. (An Indian term)

S

S. C. An abbreviation for 'Supreme Court'.

S. P. An abbreviation for 'sine prole', without issue.

Sabotage. A coercive method employed by revolutionists force their demands. It is a wilful obstruction and destruction property.

Sacrilege. The offence of committing theft in a church chapel.

Safe-pledge. A security given for the appearance of a person on a particular day.

Sagubadi. Cultivation. (An Indian Term)

Sajhidar. A partner. (An Indian term)

Salable. Fit for sale ; merchantable.

Salary. A fixed periodical consideration for services rendered

Sale. The transfer of property in the goods from the seller to the buyer. See also section 4 (3) of the Indian Sale of Goods Act. An exchange of property for a price, which is paid or promised to be paid.

Salvage. In maritime law. A reward or compensation payable to those persons by whose help and assistance ships and their cargoes have been saved from the dangers of the sea etc.

Salvor. A person who, having no relation with a ship in distress, saves the ship or its cargo voluntarily.

Sanction. Assent ; permission ; a punishment ; a condition annexed to a law for enforcing obedience to that law.

Sane. The capability of distinguishing right from wrong natural and normal mental condition.

Santan. Off spring.

Sapinda. In Hindu Law. A generic name applied to a person and his six immediate ancestors in his main and male line as he and all of these are connected by the same cake or the pinda. In these agnates there is a smaller division represented by the offeror of the cake or the pinda and his three nearest male ascendants, viz., father, grandfather and great grandfather. These are considered to be receiving the entire pinda offered. Aiyer, Manual of Law Terms and Phrases)

Saptapadi. A Hindu Law term. Seven steps taken together by a man and a woman before the sacred fire. On the completion of seventh step the marriage becomes complete and irrevocable.

Saving Clause. In an Act, an exception in favour of a special thing.

Scandal. Defamatory reports ; rumors.

Schedule. A statement annexed to a deed or statement ; a list or inventory.

Scrip. Certificate of ownership of shares in a public limited company.

Search Warrant. An order issued by a court to the police or to the sheriff, asking him to search a particular place like house, shop etc., for the recovery of certain goods. Sections 96 to 99 G of the Criminal Procedure Code deals with the provisions relating to search warrant. Section 96 provides that the Court may issue a search warrant for—(1) production of a document or thing, (2) search of a house suspected to contain stolen property, forged documents etc., (3) seizure of any forfeited publications, (4) discovery of persons wrongfully confined.

Seaworthiness. In Marine insurance. The quality or fitness of a ship to undertake a voyage. "At the commencement of loading the ship must be fit to receive her cargo and fit as a ship for the ordinary perils of lying afloat in harbour while receiving her cargo, but need not be fit for sailing." *Reed V. Page* (1927) 1 K. B. 743.

Secondary Evidence. Evidence which is not primary.

Secular. Non-ecclesiastical.

Secured creditor. A creditor holding some security to ensure the repayment of his debt e. g., a lien, a mortgage.

SEC

Security. Protection ; indemnification.

Security [for good]behaviour. Sections 108 to 110 of the Criminal Procedure Code deal with the provisions relating to security for good behaviour. Section 108 provides the circumstances under which security for good behaviour can be asked from the persons disseminating seditious matter. Security for good behaviour can be asked from vagrants and suspected persons under section 109, and under section 110 security for good behaviour is asked from habitual offenders.

Security for keeping peace. Sections 106 and 107 of the Criminal Procedure Code provide the circumstances under which security for keeping peace can be demanded. Provisions relating to security for keeping peace on conviction are provided in section 106. When there is a likelihood of the breach of peace, security for maintaining peace can be demanded from the persons under section 107.

Sedition. An offence against the state. Section 124 A of the Indian Penal Code provides that a person commits sedition who, (1) by words, either spoken or written, or by signs or by visible representation or otherwise, (2) brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards, (3) the Government established by law in India. It further provides that the expression 'disaffection' includes disloyalty and all feelings of enmity.

Seduction. To induce or entice a woman to surrender her chastity.

Seizure. To take the possession forcibly under the authority of law.

Self Defence. To protect one's own person or property from some injury intended to be caused by another.

Seller. A person who sells or agrees to sell goods is called seller. See section 2 (13) of the Indian Sale of Goods Act.

Seller's Lien. A right of an unpaid seller to retain the possession of goods until the payment of the price. Section 47 of the Indian Sale of Goods Act provides that, "Subject to the provisions of this Act, the unpaid seller of goods who is in possession of them

is entitled to retain possession of them until payment or tender of the price in the following cases, namely—

- (a) where the goods have been sold without any stipulation as to credit ;
- (b) where the goods have sold on credit, but the term of credit has expired ;
- (c) where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent of bailee for the buyer.

Semper Paratus. A plea by which defendant says that he was always willing to fulfil his part of obligation or to perform what has been asked to do.

Senate. The administrative council of a body.

Senator. A member of a senate.

Sentence. The judgment of a court pronouncing a term of imprisonment as a punishment to be inflicted on the accused. See also Imprisonment.

Sentences to run concurrently. When an accused has been awarded punishment of imprisonment for different offences, the privilege of serving each day a portion of each sentence ; all the sentences to run simultaneously.

Sequestration. In contracts. A species of deposit which two or more persons, engaged in litigation about anything, make of the thing in contest with an indifferent person who binds himself to restore it, when the issue is decided, to the party to whom it is adjudged to belong. (Black—Law Dictionary)

Service. It has a variety of meanings depending on the context in which it has been used.

Servient Tenement. A property over which a right of easement is enjoyed.

Sessions. A sitting of a judge in court to try criminal cases.

Set Aside. To cancel or revoke a judgment or a decree.

SET

Set-off. A counter demand. Order VIII Rule 6 and 7 deal with the provisions relating to set-off. Rule 6 (1) provides that Where in a suit for the recovery of money the defendant claims to set-off against the plaintiff's demand any ascertained sum of money legally recoverable by him from the plaintiff, not exceeding the pecuniary limits of the jurisdiction of the Court, and both parties fill the same character as they fill in the plaintiff's suit, the defendant may at the first hearing of the suit, but not afterwards unless permitted by the court, present a written statement containing the particulars of the debt sought to be set-off.

Settlement. Section 3 of the Specific Relief Act defines as "Settlement" means any instrument (other than a will or codicil as defined by the Indian Succession Act) whereby the destination or devolution of successive interest in movable or immovable property is disposed of or is agreed to be disposed of.

Share. To enjoy with others. "Share means share in the share capital of a company, and includes stock except where a distinction between stock and shares is expressed or implied." Section 2 (46) of the Indian Companies Act.

Share Certificate. A certificate, under the common seal of the company, specifying any shares held by any member, shall be prima facie evidence of the title of the member to such shares. Section 84 of the Indian Companies Act.

Share Warrants. A public company limited by shares, if so authorised by its articles, may, with the previous approval of the Central Government, with respect to any fully paid up shares, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the shares specified in the warrant. Section 114 (1) of the Indian Companies Act.

Sheriff. The chief officer responsible for the service of the documents issued by the High Courts in the Presidency Towns.

Shirakatnama. A partnership deed. (An Indian term)

Sine. Without.

Sine Die. Without deciding the time and day for resuming the meeting or hearing.

Sine Prole. Without issue.

Slander. See Defamation.

Sodomy. A carnal knowledge committed against the order of the nature by a man with a man or with an animal.

Solemn. In regular form.

Solicitation. Inducement ; enticing ; request.

Solicitor. An attorney.

Solitary Confinement. "Keeping the prisoner thoroughly isolated from any kind of intercourse with the outside world. It is inflicted in order that a feeling of loneliness may produce wholesome influence and reform the criminal." Ratanlal and Dhirajlal—The Indian Penal Code. See also sections 73 and 74 of the Indian Penal Code.

Solvancy. Ability to pay off the debts in full.

Special law. Law for the particular subjects.

Specific Performance. Specifically carrying out or performing the terms of a contract or any other document. It is ordered only in the circumstances in which money is not an adequate relief.

Spouse. One's husband or wife.

Star Decisis. To abide by.

Status Quo. State in which the things are ; not to alter, amend or change the existing situation or position.

Statute. Law passed by the legislatures of a country.

Statutory obligation. An obligation created by an statute.

Statutory meeting. Section 165 (1) of the Indian Companies Act provides that, "Every company limited by shares, and every company limited by guarantee and having a share capital, shall, within a period of not less than one month not more than six months from the date at which the company is entitled to commence business, hold a general meeting of the members of the company, which shall be called "the statutory meeting."

Stay of execution. The suspension of the execution of a judgment or decree. See Order 21 rule 26 of the Civil Procedure Code.

Stay of proceedings. The suspension of the proceedings in a court.

Stifling a prosecution. Abstaining from prosecuting a person on the promise of pecuniary compensation.

Stolen Property. Section 410 of the Indian Penal Code defines stolen property as, "Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as "stolen property", whether the transfer has been made, or the misappropriation or breach of trust has been committed within or without India. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property."

Stipulation. A condition or clause in an agreement. Section 12 of the Indian Sale of Goods Act provides that, "(1) A stipulation in a contract of sale with reference to goods which are the subject thereof may be a condition or a warranty. (2) A condition is a stipulation essential to the main purpose of the contract, the breach of which gives rise to a right to treat the contract as repudiated. (3) A warranty is a stipulation collateral to the main purpose of the contract, the breach of which gives rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated. (4) Whether a stipulation in a contract of sale is a condition or a warranty depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract."

Stoppage in Transitu. It is a right of an unpaid seller. Section 50 of the Indian Sale of Goods Act provides that, "Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller, who has parted with the possession of the goods has the right of stopping them in transit, that is to say, he may resume possession of the goods as long as they are in the course of transit, and may retain them until payment or tender of the price."

Stridhana. A Hindu Law term. Vijnaneswara has defined it as follows : That which was given by the father, by the mother by the husband or by the brother ; and that which was presented by the maternal uncles and the rest at the time of the wedding before the nuptial fire : and a gift on the second marriage or gratuity on supression ; and as indicated by the word adya (and the rest), , property obtained by (1) inheritance, (2) purchase, (3) partition (4) seizure, i. e., adverse possession, (5) finding : all this is Stridhana according to Manu and the rest. (Quoted by Aiyer—Manual of Law Terms & Phrases)

Sub-agent. A person acting under the authority of an agent.

Sub curia. Under the law.

Sub judice. Under the consideration of a court.

Sub Mortgage. Mortgage, by the mortgagee, of the property already mortgaged with him.

Subpeona. Under the penalty. An order issued under the authority of the court asking a witness to present himself in the court and give evidence.

Subrogation. The substitution of one person for another. See Section 92 of the Transfer of Property Act.

Subsidiary Company. Section 4 (1) of the Indian Companies Act provides that, "For the purposes of this Act, a company shall, subject to the provisions of sub-section (3), be deemed to be a subsidiary of another if, but only if,—

- (a) that other controls the composition of its Board of directors ; or
- (b) that other holds more than half in nominal value of its equity share capital ; or
- (c) the first mentioned company is a subsidiary of any company which is that other's subsidiary."

Succession. The passing of property from one person to another on the death of the former.

Succesor. One who succeeds.

Sudder. The chief seat of the Government. (An Indian term)

Sue. To start or to continue the legal proceedings against somebody.

SUF

Suffrage. A right to vote.

Suicide. Death by one's own hands caused deliberately. This is the only offence the attempt to which is punishable, but on completion, the offender cannot be punished.

Suit. Legal proceedings.

Sulehnama. A deed of compromise. (An Indian term)

Summary trial. A short and speedy trial.

Summons. A call of authority to appear before a judicial officer. See Sections 68 to 74 of the Criminal Procedure Code.

Suppressio Veri. Suppression of the truth.

Supra. Above.

Superme Court. The highest court of the State.

Surety. The person who gives a guarantee in a contract of guarantee, is called a surety. See section 129 of the Indian Contract Act.

T

Tacit Law. A law deriving its authority from the common consent of the people.

Tahquiquat. Investigation. (An Urdu term)

Takeed. Order ; instruction. (An Urdu term)

Take effect. To become operative.

Take Over. To take the control or management of.

Takseem. Division or partition. (An Urdu term)

Takseemnama. A partition deed. (An Urdu term)

Talak. Divorce. (A Mohammedan law term)

Taluka. A division of a district under the control and management of a revenue officer called Tehsildar.

Tangible Property. Property capable of being perceived by the senses.

Tariff. A table or catalogue arranged alphabetically, containing the names of different merchandise with the duties and customs payable on them.

Tasvia. Compromise ; a settlement of a dispute. (An Urdu term)

Tax. The pecuniary burden laid by the state under the legislative authority upon its subjects for the support of the state.

Taxable. Liable to be taxed.

Tellers. Those who count votes generally in Parliament.

Temporary. Lasting only for a short or limited time.

Temporary Injunction. See Injunctions.

Tenancy. The condition or estate of a tenant ; the interest of a tenant in an estate.

Tenancy at will. A tenancy which has not been created for a specific time and the termination of which depends on the will of the landlord.

Tenant. One who holds or possesses a property of another, whether for his life or for a particular duration, on the payment of a sum of money periodically.

Tender. An offer. It may be of money or to supply certain things.

Territorial Jurisdiction. Jurisdiction limited by the territory.

Testament. An instrument containing the will of a person according to which his personal property is to be disposed of.

Testator. One who makes a will.

Testimony. Oral evidence given by a witness.

Testis. A witness who gives evidence in the court.

Theft. Section 378 of the Indian Penal Code defines theft as, "Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft."

Thief. One who commits theft.

Things in action. A right to recover something by means of judicial process.

Title. Evidence of a right which a person has relating to property or an office.

Tort. A civil wrong or injury independent of a contract and different from crime. It is a breach of a civil duty. "A tort is an act or omission which, independent of contract, is unauthorised by law and results either in the infringement of some absolute right, to which another is entitled or in the infliction upon him of some substantial loss of money, health or material comfort beyond that suffered by the rest of the public, and which infringement or infliction of loss is remediable by an action for damages." Underhill.

Tort-feasor. A wrong doer.

Total Loss. The full and complete destruction of a property or a ship which was insured.

Trade Mark. Marks used in relation to goods showing a relation in the course of trade between the goods and its manufacturer.

Transfer. To deliver or convey to another person a thing, property or ownership.

Transferor. One who makes a transfer.

Traverse. To deny an allegation.

Treason. Offence of attempting to overthrow the government

of a country established by law. In India it is punishable under section 121 of the Indian Penal Code.

Treaty. An agreement made by two or more nations.

Trespass. A violation of another's right whereby causing an injury to his person or property.

Trespass ab initio. Trespass from the beginning.

Trial. A judicial examination of a cause.

Tribunal. A court of justice.

Trover. In old English law. An action of trespass.

Trust. An obligation annexed to the ownership of certain property resulting from the confidence reposed in and accepted by the owner for the benefit of the another or the another and the owner.

U

Uberrimae Fidei. The most abundant good faith. The absence of any concealment or deception.

Ubi jus ibi remedium. Where there is a right there is a remedy.
Ashby V. White (1703) 2 Ld. Raym. 955

Ultra Vires. An invalid act done in the excess of the authority conferred by law, acts beyond the scope of the powers of a corporation, as defined by its memorandum and articles of association.

Umpire. One clothed with authority to act alone in rendering a decision where arbitrators have disagreed.

Uncertainty. The state of vagueness. Failure to define or limit with sufficient exactitude. Section 29 of the Indian Contract Act provides that a contract which is uncertain is void.

Undertaking. A promise, engagement or stipulation with reference to Company law, undertaking denotes all the assets of the company, past, present and future and is a mortgageable interest being commonly charged by the debentures of the company. Undertaking means a unit such as a factory. *Re Industrial Disputes Tribunal* (1956) 3 All. E. R. 411.

Underwriter. One who agrees to purchase a certain number of shares if and so far as not applied for by the public. Also the person who insures another in a fire or life policy ; the insurer.

Undisclosed Principal. If at the time of transaction conducted by an agent, other party thereto has no notice that agent is acting for a principal, the principal is called the 'undisclosed principal'.

Undue Influence. Section 16 of the Indian Contract Act provides that a contract is said to be induced by undue influence where the relation subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other. In particular and without prejudice to the generality of the foregoing principle a person is deemed to be in a position to dominate the will of another (a) where he holds a real or apparent authority over the other, or where he stands in a fiduciary relation to the other, or (b) where he makes a contract with a person whose mental capacity is temporarily effected by reason of age, illness or mental or bodily distress. Where a person who is in a position to dominate the will of another enters into a contract with him, and the transaction appears, on the face of it, or on the evidence adduced, to be unconscionable, the burden of proving that such contract was not

influenced by undue influence shall lie upon the person in a position to dominate the will of the other.

Section 171C of the Indian Penal Code provides for undue influence at elections as, "Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election."

Unlawful. That which is contrary to law or unauthorised.

Unlawful Assembly. An assembly of five or more persons is designated an 'unlawful assembly' if the common object of the persons composing it is—(1) to overawe by criminal force, or show of criminal force, the Central or any State government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power or such public servant; or (2) to resist the execution of any law, or of any legal process; or (3) to commit any mischief or criminal trespass, or other offence; or (4) by means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or (5) by means of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do. Section 141, Indian Penal Code.

Unsea Worthy. A term used in maritime law. A ship is unsea worthy when it is unable to withstand the perils of ordinary voyage at sea.

Unsound Mind. One who from infirmity of mind is incapable of managing himself or his affairs.

Usufruct. The right of using or taking the fruits of something belonging to another.

V

Vacate an order. To set aside an order.

Vagrant. An idle or disorderly person, a vagabond.

Vakalatnama. A deed in writing and signed by a person appointing a vakil to plead his case.

Vakil. A pleader. (an Indian term)

Valuable Security. Section 30 of the Indian Penal Code defines it as 'it denotes a document which is, or purport to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right'.

Vend. To sell.

Vendee. The buyer, a person to whom anything is sold.

Vendor. A seller.

Verdict. The answer of a jury, as declared by a judge, on a question of fact in any civil or criminal proceeding. A general verdict is that in which the jury determines, in a civil case, for the plaintiff or for the defendant, or in a criminal case, guilty or not guilty. In special verdict they determine whether certain facts have been proved.

Verification. A solemn declaration by a party that the facts stated by him in the pleadings are true to his personal knowledge. If such a declaration was subsequently found to be false, the party making the declaration is liable to the penalty.

Vest. The possession of legal rights.

Vested Interest. A present right or title to a thing, which

carries with it an existing right of alienation, even though the right to possession or enjoyment may be postponed to some uncertain time in future as distinguished from a future right, which may never materialize or ripen into title, and it matters not how long or for what length of time the future possession or right of enjoyment may be postponed, if the present right exists to alienate and pass title. A future interest not dependent on an uncertain period or event, or a fixed present right of future enjoyment. (Black's Law Dictionary)

Vesting Order. An order of the court having the affect of passing the property as effectually as under a conveyance.

Vexatious Suit. An action in which the party bringing it is acting mala fide with the object of annoying or embarrassing the opposite party.

Vis Major. (Act of God) An act beyond the control of the human beings like earth quake, storm etc.

Void. An agreement which cannot be enforced by law, of no legal effect, an agreement the object or consideration of which is unlawful is void. Agreements in restraint of marriage, agreements in restraint of trade, agreements in restraint of legal proceedings and agreements by way of wager are void agreements.

Voidable Agreements. An agreement which is enforceable by law at the option of one or more of the parties thereto, but not at the option of other or others, is a voidable agreement.

Volenti non fit injuria. No act is actionable as a tort at the suit of any person who has assented to it. No one will be allowed to enforce a right which he has voluntarily waived or abandoned, as for example, no action will lie for any injury suffered in a boxing match, or a surgical operation provided that what is done is within the scope of the consent.

Voluntary. Doing out of one's own free will.

Vote. The expression of the will, choice or preference of a person.

Voucher. A receipt.

VOY

Voyage. The journey of a ship or vessel by sea from one place or port to another. The term is used in maritime law.

Vs. An abbreviation for 'versus' !

W

Wager. A promise to give money or money's worth upon the determination or ascertainment of an uncertain event, the consideration for such a promise is either something given by the other party to abide the event, or a promise to give upon the event determining in a particular way.—Anson. Section 30 of the Indian Contract Act, though it does not define the meaning of the word wager, provides that "Agreements by way of wager are void ; and no suit shall be brought for recovering anything alleged to be won on any wager, or entrusted to any person to abide the result of any game or other uncertain event on which any wager is made."

Wages. Remuneration payable to the employees. Section 2 of the Minimum Wages Act of 1948 and section 2 (vi) of the Payment of Wages Act defines wages as follows : "Wages" means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would,

if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes—(a) any remuneration payable under any award or settlement between the parties or order of a court ; (b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period ; (c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name) ; (d) any sum which by reason of the termination of employment of the person employed is payable under the law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made ; (e) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force. But does not include—(1) any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court ; (2) the value of any house accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government ; (3) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon ; (4) any travelling allowance or the value of any travelling concession ; (5) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment ; or (6) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d). See *Div. Engineer G. I. P. Rly. V. Mahadeo A. I. R. 1955 S. C. 295* A claim for leave salary cannot be 'wages' unless such a claim is not for any period during which the employee was on leave.

Waging War. Attempt to accomplish by violence any purpose of a public nature. Waging war against the Government of India is an offence. Section 121, 122 and 123 prescribe punishment for waging the war against the Government of India.

Waive. Forgo to renounce, not to enforce a right or claim. A waiver may be express or implied.

Wajib-ul-urz. A record of local customs kept by a zamindar or landlord.

Wakf. Extinction of the proprietor's ownership in the property and the creation of a trust of that property for religious purposes.

Wanton. Reckless, heedless.

Ward. A minor or child under the protection and care of a guardian. See Guardian and Wards Act of 1956.

Waris. Any person entitled to succeed. (An Indian term)

Warrant. An authority under seal and signature of a court directed to a person to arrest somebody and produce before it, to be dealt with according to law. See Criminal Procedure Code.

Warranty. An assurance. Section 12 sub-section 3 provides that "A warranty is a stipulation collateral to the main purpose of the contract, the breach of which gives rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated." Warranties are either express or implied, by law. No particular forms or words are necessary to create an express warranty. Section 13 provides the circumstances when a condition can be treated as a warranty. Section 14 implies certain warranties for the quiet possession of the buyer. It also provides an implied warranty that the goods shall be free from any charge or encumbrances in favour of any third party not declared or known to the buyer before or at the time when the contract is made.

Whip. The party official whose duty it is to see that his party is fully represented at the time of taking votes in the Parliament.

Whipping. A mode of inflicting punishment on the body of the offender. This kind of punishment has been abolished now.

Wilful. Intentional.

Will. A document by which a person expresses his desire about the devolution and distribution of his property after his death. It can be revoked by him at any time. Every person of sound mind and who is not minor may dispose of his property by will. A married woman can also dispose of her property by will.

Winding up. The closing up of the affairs of a company, ascertaining its rights and liabilities and paying of the claims of its creditors out of the assets of the company. A company can be wound up either (i) Compulsory by the court, or (ii) Voluntarily or (iii) Under the supervision of the court. A company may be wound up by the court on any of the grounds mentioned in section 433 of the Indian Companies Act of 1956. They are when (i) it has passed a special resolution to be wound up by the Court, or (ii) if default is made in delivering the statutory report to the Registrar or in holding the statutory meeting ; (iii) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year ; (iv) if the number of members is reduced, in the case of a public company, below seven, and in the case of a private company, below two ; (v) if the company is unable to pay its debt ; (vi) if the Court is of the opinion that it is just and equitable that the company should be wound up. Section 439 of the Act enumerates the persons who can present the petition for the winding up of the company. They are : (i) The company, (ii) any creditor or creditors including any contingent or prospective creditor or creditors ; or (iii) any contributory or contributories ; or (iv) all or any of the parties specified in clauses (i), (ii) and (iii) whether together or separately ; or (v) The Registrar, or (vi) in a case falling under section 243, by any person authorised by the Central Government on that behalf. A company may be wound up voluntarily when the period, if any, fixed for the duration of the company by the articles has expired, or the event, if any, has occurred, on the occurrence of which the articles provide that the company is to be dissolved, and the company in general meeting passes a resolution requiring the company to be wound up voluntarily ; or if the company passes a special resolution that the company be wound up voluntarily.

Witness. One who gives evidence before a court in any suit or proceeding.

Workman. "Workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is—(i) a railway servant as defined in section 3 of the Indian

Railways Act, 1890, not permanently employed in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II or (ii) employed on monthly wages not exceeding five hundred rupees, in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing ; but does not include any person working in the capacity of a member of the Armed forces of the Union and any reference to a workman who has been injured shall where the workman is dead, include a reference to his dependants or any of them. Section 2 (n) of the Workmen's Compensation Act.

Writ. A precept in writing, couched in the form of a letter, running in the name of the King, president, or state, issuing from a court of justice, and sealed with its seal, addressed to a sheriff or other officer of the law, or directly to the person whose action the court desires to command, either as the commencement of a suit or other proceeding or as incidental to its progress, and requiring the performance of a specified act, or giving authority and commission to have it done. (Blacks' Law Dictionary). Constitution of India provides for five kinds of writs which can be issued either by the Supreme Court or by a High Court, under article 32 or 226 as the case may be. A High Court can issue the writs, directions or orders in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari. They can be issued for the enforcement of any of the rights conferred by Part III of the Constitution and for any other purpose. Habeas corpus is a writ in the nature of an order calling upon the person who has detained another to produce him before the court in order to let the court know on what ground he has been confined and to set him at liberty if he has been imprisoned without lawful justification. The writ of habeas corpus is issued only when the petitioner is in custody or detention. A mere restraint on movements is no ground for this writ. But it has been held that a person arrested and subsequently released on bail shall be deemed to be in custody. The nature of the writ of Mandamus is command. "It commands the person to whom it is addressed to perform some public or quasi public legal duty which he has refused to perform, and the performance of which cannot be enforced by any other

adequate legal remedy.....Where any tribunal, inferior Court of body of persons charged with the performance of a public duty do not discharge that duty mandamus lies to compel him to do it.” Short & Mellor page 197 “Prohibition is a judicial, writ, issuing out of a superior Court and directed to an inferior Court, preventing the inferior Court from usurping jurisdiction with which it is not legally vested,” (Basu on Constitution). The ancient writ of certiorari in England is an original writ which may issue out of a superior Court requiring that the record of the proceedings in some cause or matter pending before an inferior Court should be transmitted to the superior Court to be there dealt with. The writ is so named because in its original Latin form it required that the King should ‘be certified’ of the proceedings to be investigated and the object is to secure by exercise of the authority of a superior Court, that the jurisdiction of the inferior tribunal be properly exercised. *Ryots of Garabandhu V. Parlikamedi A. I. R. 1943 P. C. 164* The writ of “Quo Warranto is the remedy or proceeding whereby the State inquires into the legality of the claim which a party asserts to an office or franchise, and to oust him from its enjoyment if the claim be not well founded, or to have the same declared forfeited, and recover it, if, having once been rightfully possessed and enjoyed, it has become forfeited for mis-user or non-user.” (Spelling on Injunction and other Remedies, page 1516)

Wrong. An infringement of a right.

PART II
INDIAN EQUIVALENTS
OF
SELECTED ENGLISH
TERMS

A

Abandon	परित्याग करना	Admiralty jurisdiction	नावधि- करणविषयक अधिकारिता
Abduction	अपहरण	Administrative	प्रशासनिक
Abetment	दुष्प्रेरण	Admissible	ग्राह्य
Abettor	दुष्प्रेरक	Admissible in proof	सबूत के लिए ग्राह्य
Abolished	उत्सादित	Admission	स्वीकृति
Abscond	करार होना	Adoption	दत्तकग्रहण
Absolute	आत्यन्तिक	Adulteration	अपमिश्रण
Acceptance	प्रतिग्रहण	Adultery	जारकर्म
Acceptor of a bill of exchange	विनिमयपत्र का प्रतिगृहीता	Advance money	अग्रिम धन देना
Accident	दुर्घटना	Adverse party	प्रतिपक्षी
Accomplish	सहअपराधी	Adviser	सलाहकार
Accrue	प्रोद्भूत होना	Advocate	अधिवक्ता या एडवोकेट
Accumulation	संचय	Affairs of State	राज्य के कार्यकलाप
Accusation	अभियोग	Affidavit	शपथपत्र
Accused	अभियुक्त	Affirm	प्रतिज्ञात करना
Acknowledgment	अभिस्वीकृति	Aforesaid	पूर्वोक्त
Acquire	अर्जन करना	Affray	दंगा
Acquisition	अर्जन	Agent	अभिकर्ता या एजेंट
Acquittance	निस्तारण-पत्र	Agreement	सहमति ; करार
Act	अधिनियम	Allegation	अभिकथन
Acting judicially	न्यायिकतः कार्य करते हुए	Alleged	अभिकथित
Actionable claim	अनुयोज्य दावा	Allegiance	राजनिष्ठा
Adjudicate	न्यायनिर्णीत करना	Allow	अनुज्ञात करना
Ad litem guardian	वाधार्थ संरक्षक	Ambiguous	संदिग्धार्थी
Administer oath	शपथ दिलावाना	Amend	संशोधन करना

AMO

Amount due	शोध्द्य रकम	Assent	अनुमति
Amounting to murder	हत्या की कोटि में आना	Assert	प्राख्यात करना
Ancestor	पूर्वज	Assessment	निर्धारण
Annexed	उपाबद्ध	Assessor	असेसर
Annoyance	क्षोभ	Assign	समानुदेशित करना
Annuity	वार्षिकी	Assignee	समानुदेशिती
Annul	बातिल करना	Assignment	समानुदेशन
Anomalous mortgage	विलक्षण बन्धक	Association	संगम
Appeal	अपील	Assurance	बीमा
Appear	उपसंजात होना	As the case may be	यथास्थि
Appearance	उपसंजाति	At liberty	स्वतन्त्र
Application	आवेदन	At orders	आदेशाधीन
Appointment	नियुक्ति	Attached to the earth	भूबन्ध
Apportionable	प्रभाज्य	Attachment	कुर्की
Apportionment	प्रभाजन	Attack	आक्रमण
Apprehend	पकड़ना	Attempt	प्रयत्न, प्रयत्न करना
Apprehension	पकड़ा जाना, आशंका	Attempted	प्रयत्नित
Appropriate	विनियोजित करना	Attend	हाजिर होना
Arbitration	माध्यस्थम्	Attestation	अनुप्रमाणन
Arbitrator	मध्यस्थ	Attested	अनुप्रमाणित
Arrear	बकाया	Attesting witness	अनुप्रमाणक
Arrest	गिरफ्तारी	Attorney	अटर्नी
Artificial	कृत्रिम	Authenticated	अधिप्रमाणीकृत
Assailant	हमलावर	Authorise	प्राधिकृत करना
Assault	हमला	Authority	प्राधिकार
Assembly	जमाव	Award	पंचाट
		Awarded	अधिनिर्णीत

B

Bad character बुरा शील	Bodily injury शारीरिक क्षति
Bail जमानत	Bond बन्धपत्र
Bailee उपनिहिती	Book of account वही
Bailiff बेलिफ	Bottomry of ship पोत बौटमरी या पोत आड़विराण
Bailment उपनिधान	Bound आवद्ध
Bailor उपनिधाता	Bound by law विधि द्वारा आवद्ध
Bargain सौदा	Bound to prove साबित करने के लिए आवद्ध
Barrister बैरिस्टर	Breach of contract संविदा भंग
Beneficial फायदाप्रद	Breach of trust न्यास भंग
Beneficial enjoyment फायदाप्रद उपभोग	Bribe रिश्वत
Beneficial interest फायदाप्रद हित	Bribery रिश्वत
Better title बेहतर हक	Broker दलाल
Bid बोली लगाना	Brothel वेश्यागृह
Bigamy द्विविवाह	Burden of proof सबूत का भार
Bill विपत्र ; विधेयक	Buy खरीदना, क्रय करना
Bill of exchange विनिमयपत्र	Buyer क्रेता
Bill of lading वहन-पत्र	By force बलपूर्वक
Binding आवद्धकर	
Blank endorsement निरंक पृष्ठांकन	

Cancel	रद्द करना	Charter	भाड़े पर लेना
Capable	समर्थ	Cheating	छल
Capacity	सामर्थ्य ; हैसियत	Cheating by personation	प्रतिरूपण द्वारा छल
Capital	पूँजी	Cheque	चेक
Capital offence	मृत्यु से दण्डनीय अपराध	Circular	परिपत्र
Capture	पकड़ना	Circumscribed	चतुरंकित
Carnal intercourse	इंद्रिय भोग	Circumstances	परिस्थितियाँ
Carrier	वाहक	Civil	सिविल
Garry out	कार्यान्वित करना	Civil action	सिविल कार्यवाही
Case	मामला ; केस	Civil and criminal procedure	सिविल और दण्ड प्रक्रिया
Casualty	दुर्घटना	Civil case	सिविल मामला
Cattle	पशु	Civil court	सिविल न्यायालय ; सिविल कोर्ट
Cause	मामला	Civil proceedings	सिविल कार्य-वाहियाँ
Cause death	मृत्यु कारित करना	Civil suit	सिविल वाद
Cease to exist	अस्तित्वहीन होना	Claim	दावा ; क्लेम ; दावा करना
Censure	परिनिन्दा करना	Claimant	दावेदार
Central Act	केन्द्रीय अधिनियम	Claimed	दावा किया; दावाकृत
Certainty	निश्चय	Claiming under him	उससे व्युत्पन्न अधिकार के अधीन दावा करने वाला
Certification	प्रमाणन	Clause	खंड
Certified copy	प्रमाणित प्रति	Client	कक्षीकार
Certify	प्रमाणित करना	Code	संहिता
Charge	भार ; आरोप ; भारसाधन		
Charged	आरोपित		
Charged with	भारसाधन करते हुए		
Charge-holder	भारक		
Charity	खैरात, दान		

Code of Civil Procedure, 1908	Compoundable offence	शमनीय अपराध
सिविल प्रक्रिया संहिता, 1908		
Cognizance संज्ञान	Comprise समाविष्ट होना	
Cohabitation सहवास	Compulsory दैवश्यक	
Collateral सांपाश्विक	Compulsory labour अनिवार्य श्रम	
Collect संग्रह करना	Conclusive proof निश्चायक सबूत	
Collector कलेक्टर	Concur सहमत होना	
Collusion दुस्संधि	Condemned criminal सिद्धदोष	
Collusive दुस्संधिपूर्ण		अपराधी
Come into force प्रवृत्त होना	Conditional सशर्त	
Command समादेश	Conditional sale सशर्त विक्रय	
Commence प्रारम्भ होना	Condition precedent पुरोभाव्य	
Commit for trial विचारणार्थ सुपुर्द		शर्त
करना	Condition subsequent उत्तरभाव्य	
Commitment सुपुर्दगी		शर्त
Common intention सामान्य आशय	Conduct संचालन करना ; आचरण	
Common nuisance सामान्य अपहूषण	Confession संस्वीकृति	
Common object सामान्य उद्देश्य	Confidential communication गोप-	
Common property सामान्य सम्पत्ति		नीय संसूचना
Commutation लघूकरण	Confined परिरुद्ध	
Co-mortgagor सहबन्धककर्ता	Confinement परिरोध	
Company कम्पनी	Confiscation अधिहरण	
Compel विवश करना	Connected संसक्त	
Compensation प्रतिकर	Connection संसंग	
Competent सक्षम	Connivance मौनानुकूलता	
Competent court सक्षम न्यायालय	Consent सम्मति	
Competent jurisdiction सक्षम	Consequence परिणाम	
अधिकारिता	Consequential act पारिणामिक कार्य	
Competent witness सक्षम साक्षी	Consider विचार करना	
Complaint शिकायत ; परिवाद	Consideration प्रतिफल	
Compliance अनुपालन	Consistent संगत	
Complicity सहअपराधिता	Consolidate समेकन करना	

CON

Conspiracy	षड्यन्त्र	Conveyance	हस्तान्तरण; हस्तान्तरणपत्र
Constitute	गठित करना	Convict	सिद्धदोष
Constituent Assembly of India	भारत की संविधान सभा	Conviction	दोषसिद्धि
Constitution	संविधान ; संघटन	Co-owner	सहस्वामी
Construction of wills	विल का अर्थ लगाना	Corporeal property	मूर्त सम्पत्ति
Constructive possession	आन्वयिक कब्जा	Correspond	समरूप होना
		Corroborate	संपुष्ट करना
		Corroborative evidence	संपोषक साक्ष्य
Contempt	अवमान	Corrupt	भ्रष्ट
Contemporaneous agreement	समकालीन करार	Cost	खर्च
Contents	विषय-वस्तु	Counterfeit	कूटकृत
Contingency	अनिश्चित घटना	Counterfeiting	कूटकरण
Contingent	समाश्रित	Counterpart	प्रतिलेख
Contingent interest	समाश्रित हित	Court	न्यायालय ; कोर्ट
Continue	चलता रहना	Court of Admiralty	नावधिकरण न्यायालय
Continue in possession	कब्जा बनाये रखना	Court Martial	सेना-न्यायालय
Contraband	विनिषिद्ध	Court of Justice	न्यायालय
Contract	संविदा	Court of session	सेशन न्यायालय
Contract for sale	विक्रय की संविदा	Court of wards	प्रतिपाल्य-अधिकरण
Contracting party	संविदाकारी पक्षकार	Covenant	प्रसंविदा
Contradict	खण्डन करना	Credibility	विश्वसनीयता
Contrary	प्रतिकूल	Creditor	लेनदार
Contrary to law	विधि के प्रतिकूल	Crime	अपराध
Contribute	अभिदाय करना	Criminal	दाण्डिक ; आपराधिक
Controversy	संविवाद	Criminal act	आपराधिक कार्य
Convenience	सुविधा	Criminal breach of contract	संविदा का आपराधिक भंग
Conversion	संपरिवर्तन	Criminal breach of trust	आपराधिक न्यासभंग
Convey	प्रवहण करना ; हस्तान्तरित करना	Criminal conspiracy	आपराधिक षड्यन्त्र

Criminal force	आपराधिक बल	Criminal trespass	आपराधिक अतिचार
Criminal intent	आपराधिक आशय		
Criminal intimidation	आपराधिक अभिवास	Criminal trial	दाण्डिक विचारण
Criminal knowledge	आपराधिक ज्ञान	Criminate	अपराध में फंसाना
Criminal misappropriation	आपराधिक दुर्विनियोग	Cross-examination	प्रतिपरीक्षा
Criminal proceeding	दाण्डिक कार्यवाही ; क्रिमिनल कार्यवाही	Cross-examine	प्रतिपरीक्षा करना
Criminal prosecution	दाण्डिक अभियोजन	Cruelty	क्रूरता
Criminal purpose	आपराधिक प्रयोजन	Culpable homicide	आपराधिक मानव वध
		Cumulative	आकलित
		Curator	रक्षक
		Custody	अभिरक्षा
		Custom	रूढ़ि
		Customary manner	रूढ़िगत प्रकार

D

Dacoity	डकैती	Debenture	डिबेन्चर
Damage	नुकसान	Debt	ऋण
Damages	नुकसानी ; नष्ट परिहार	Debtor	ऋणी
Deadly weapon	घातक आयुध	Deceive	प्रवंचित करना
Debarred	विवर्जित	Decency	शिष्टता

DEC

Deception	प्रवचना	Depreciation	अवक्षयण
Decision	दिनिश्चय	Depredation	लुटपाट
Declaration	घोषणा	Deprive	वंचित करना
Decree	डिक्री	Deriving benefit	फायदा पाना
Deduct	कटौती करना	Descendant	वंशज
Deed	दिलेख	Deserter	अभित्याजक
Defamation	मानहानि	Desertion	अभित्यजन
Defamatory	मानहानिकारक	Detain in custody	अभिरक्षा में निरुद्ध करना
Default	व्यतिक्रम	Detection	पता चलाना
Defeat	विफल करना ; विफल होना	Deter	भयोपरत करना
Defect	त्रुटि	Deterioration	क्षय
Defence	प्रतिरक्षा ; प्रतिवाद	Detriment	अपाय
Defend	प्रतिरक्षा करना	Diligence	तत्परता
Defendant	प्रतिवादी	Direct	प्रत्यक्ष
Define	परिनिश्चित करना	Directed	निर्दिष्ट
Definition	परिभाषा	Direction	निर्देश
Definitive judgment	अन्तिम निर्णय	Disability	निर्योग्यता
Defraud	कपट-वंचित करना	Disagree	असहमत होना
Delegated	प्रत्यायोजित	Disappearance	विलोपन
Deliberate	विमर्शित	Disapprobation	अननुमोदन
Delivery	परिदान	Discharge	निर्वहन
Delivery of goods	माल का परिदान	Disclose	प्रकट करना
Demand	मांग करना	Disclosure	प्रकटन
Demeanour	भावभंगी	Discovered	पता चला हुआ
Denial	प्रत्याख्यान	Discretion	विवेकाधिकार ; विवेक
Denoting	द्योतक	Disfigure	विद्रूप करना
Dependency	आश्रित देश	Dishonest	बेईमान
Depose	अभिसाक्ष्य देना	Dishonest concealment	बेईमानी से छिपाना
Deposit	निक्षेप	Dishonest misappropriation	बेईमानी से दुर्विनियोग
Deposition	अभिसाक्ष्य	Dishonour	अनादर करना
Depository	निक्षेप स्थान		

Dispose of व्ययनित करना	Dominant heritage अधिष्ठायी
Disposition of property सम्पत्ति	स्थल
का व्ययन	Dominion डोमिनियन ; आधिपत्य
Disproportion अननुपात	Donee आदाता
Disprove नासाबित करना	Donor दाता
Disproved नासाबित	Doubt संदेह ; शंका
Dispute विवाद	Doubtful संदेहपूर्ण
Disputed विवादग्रस्त	Draft प्रारूप
Dissent विसम्मति प्रकट करना	Draw bill of exchange विनिमय-
Disservice अपकार	पत्र लिखना
Dissolution विघटन	Drawer लेखीवाल
Distinct सुभिन्न	Drawer of a bill of exchange
Distinct interest सुभिन्न हित	विनिमय पत्र का लेखीवाल
Distress करस्थम्	Drunk मत्त
Distribution वितरण	Drunken person मत्त व्यक्ति
District Judge जिला न्यायाधीश	Due शोध्य
Disturbance विघ्न ; उपद्रव	Due care सम्यक् सतर्कता
Divide विभाजित करना	Dumb witnesses मूक साक्षी
Dividend लाभांश	Dwelling house निवास गृह
Dock warrant डाक वारण्ट	Dying declaration मृत्युकालिक
Document दस्तावेज	कथन
Documentary evidence दस्तावेजी	साक्ष्य

E

Earnest money	अग्रिम धन	Enjoyment	उपभोग
Easement	सुखाचार	Enquiry	जांच
Effect	परिणाम	Enticement	फुसलाना
Efficacy	प्रभावकारिता	Entitled	हकदार
Eject	बेदखल करना ; बाहर कर देना	Equity	साम्या
Elapse	बीत जाना	Established	स्थापित
Election	निर्वाचन	Estate	संपदा ; भूसंपदा
Electoral right	निर्वाचन अधिकार	Estoppel	विवन्ध
Emasculation	पुंस्त्वहरण	Evade	बचना
Embezzlement	गवन	Evict	बेदखल करना
Embodied in the document	दस्तावेज में सन्निविष्ट	Evidence	साक्ष्य
Employ	नियोजित करना	Examination-in-chief	मुख्य परीक्षा
Employer	नियोक्ता, नियोजक	Exception	अपवाद ; एक्सेप्शन
Employment	नियोजन	Excessive	अत्यधिक
Empowered	सशक्त	Exchange	विनिमय
Enact	अधिनियमित करना	Excite	प्रदीप्त करना
Enactment	अधिनियमिति	Excluded	अपवर्जित
Encroachment	अधिक्रमण	Exclusion	अपवर्जन
Encumbrancer	विलंकायक	Execute	निष्पादन करना ; फांसी देना
Endorsed	पृष्ठांकित	Execution	निष्पादन ; फांसी
Endorsement	पृष्ठांकन	Executor	निष्पादक
Enforce	प्रवर्तित करना	Exemption	छूट ; एक्जेम्पशन
Engagement	वचनबन्ध	Exhibit	प्रदर्श
English mortgage	अंग्रेजी बन्धक	Existing facts	विद्यमान तथ्य
Enjoined	व्यादिष्ट	Expectation of death	मृत्यु की प्रत्याशंका
Enjoy	उपभोग करना	Expert	विशेषज्ञ ; एक्सपर्ट

Expiration अवसान	Extinguish निर्वापित करना
Explanation स्पष्टीकरण	Extort उद्दापित करना
Explanatory स्पष्टीकारक	Extortion उद्दापन
Express अभिव्यक्त	Extradition प्रत्यर्पण ; एक्सट्राडिशन
Express condition अभिव्यक्त शर्त	Extraordinary गैर सामूली
Express consent अभिव्यक्त सम्मति	Extra-territorial offence राज्य- क्षेत्रातीत अपराध
Expressly अभिव्यक्त रूप से	

F

Fabricate गढ़ना	False personation छद्म प्रतिरूपण
Fabricating false evidence मिथ्या साक्ष्य गढ़ना	False representation मिथ्या व्यपदेशन
Fact तथ्य	False statement मिथ्या कथन
Fact in issue विवाद्यक तथ्य	Fault कसूर
Failure of consideration प्रतिफल की निष्फलता	Fee फीस
False charge मिथ्या आरोप	Female स्त्री, नारी
False claim मिथ्या दावा	Fictitious काल्पनिक
False document मिथ्या दस्तावेज	Fiduciary वैश्वासिक
False evidence मिथ्या साक्ष्य	Fiduciary character वैश्वासिक हैसियत
	Final decree अन्तिम डिक्री

FIN

Final judgment	अन्तिम निर्णय	Forfeit	समपहृत करना ; समपहरण करना
Fine	जुर्माना ; फाइन	Forfeiture	समपहरण
Fire policy of insurance	अग्नि विषयक बीमा पालिसी	Forge	कूटरचना करना
Forbidden	निषिद्ध	Forged document	कूटरचित दस्तावेज
Force	बल	Forgery	कूटरचना
Forcibly	बलपूर्वक	Fraud	कपट
For consideration	प्रतिफलन, सप्रतिफल ; प्रतिफलार्थ	Fraudulent	कपटपूर्ण
Foreclosure	पुरोबंध	Fraudulent claim	कपटपूर्ण दावा
Foreign law	विदेशी विधि	Fraudulently	कपटपूर्वक

G

Gain	अभिलाभ	Gift	दान
Gang	टोली	Good faith	सद्भाव
Gazette	राजपत्र	Goods	माल
General clause	साधारण खण्ड	Goodwill	सद्दिच्छा
General Clauses Act, 1897	साधारण खण्ड अधिनियम, 1897	Government Gazette	सरकारी राजपत्र
General exception	साधारण अपवाद	Grant	अनुदान
Gesture	अंगविक्षेप	Gratification	परितोषण

Gratuitous	आनुग्रहिक	Grievous hurt	घोर उपहति
Gratuitous transferee	आनुग्रहिक अन्तरिती	Gross neglect	घोर उपेक्षा
		Gross negligence	घोर उपेक्षा
Grave and sudden provocation		Guilty	दोषी
	गम्भीर और अचानक प्रकोपन		

H

Habitual	अभ्यासिक	Hire	भाड़ा
Handwriting	हस्तलेख	Hold a property	सम्पत्ति धारण करना
Hearing	सुनवाई	Holder	धारक
Hearing of the case	मामले की सुनवाई	Holding a trial	विचारण करना
Heir	वारिस	Homicide	मानव वध
Heir apparent	प्रत्यक्ष वारिस	House-breaker	गृह-भेदक
Henceafter provided	एतस्मिन्- पश्चात् उपबन्धित	House breaking	गृह-भेदन
High Court	उच्च न्यायालय ; हाई कोर्ट	House trespass	गृह अतिचार
Highly improbable	अति अनधि- सम्भाव्य	Human body	मानव शरीर
		Human conduct	मानवीय आचरण
		Hurt	उपहति
		Hypothecation	आड़मान

I

Ignorant अनभिज्ञ
 Illegal अवैध
 Illegality अवैधता
 Illegal purpose अवैध प्रयोजन
 Illegitimate अधर्मज
 Illicit intercourse अयुक्त संभोग
 Ill-will वैमनस्य
 Immaterial तत्त्वहीन
 Imminent आसन्न
 Immoral अनैतिक ; दुराचारिक
 Immovable property स्थावर
 सम्पत्ति
 Impair ह्रास करना
 Impairing ह्रासन
 Impeach अधिक्षेप करना
 Implicating आलिप्त करना
 Implied विवक्षित
 Importing द्योतक
 Impose अधिरोपित करना
 Impossible असंभव
 Impressed छापित
 Impression मन पर प्रभाव
 Imprisonment कारावास
 Improbable अनधिसंभाव्य
 Improper अनुचित
 Imputation लांछन
 Inadmissible अग्राह्य

Incharge भारसाधक
 Incident प्रसंगति
 Incidental आनुपंगिक
 Incite उद्दीप्त करना
 Incompetency अक्षमता
 Incompetent अक्षम
 Inconsistent असंगत
 Incorporated निगमित
 Incorporal right अमूर्त अधिकार
 Incumbrance बिल्लंगम
 Incurred उपगत
 Indecent अशिष्ट
 Indefinitely अनिश्चित समय के
 लिए
 Indemnify क्षतिपूर्ति करना
 Independent evidence स्वतंत्र
 साक्ष्य
 The Indian Divorce Act, 1869
 भारतीय विच्छेद अधिनियम, 1869
 Indian Registration Act, 1908
 भारतीय रजिस्ट्रीकरण अधिनियम,
 1908
 Indian Succession Act, 1925
 भारतीय उत्तराधिकार अधिनियम
 1925
 Indicate उपदर्शित करना
 Induce उत्प्रेरित करना

Inducement	उत्प्रेरणा	Instrument	उपकरण ; लिखत
Inevitable accident	अनिवार्य दुर्घटना	Insured	बीमा किया हुआ ; बीमाकृत
Inference	अनुमान	Intelligible	बोधगम्य
Influence	असर	Intended	आशयित
In force	प्रवृत्त	Intention	आशय
Informality	अप्ररूपिता	Interest	हित
Information	जानकारी ; इत्तिला	Interested	हितबद्ध
Infraction	व्यतिक्रमण	Interfere	हस्तक्षेप करना
In furtherance of	को अग्रसर करने में	Interference	हस्तक्षेप
In good faith	सद्भावपूर्वक	Intermediate	मध्यवर्ती
Injunction	व्यादेश	Interpretation	निर्वचन ; भाषान्तरण
Injury	क्षति	Interruption	विघ्न
In lieu of	के बदले	Intervention	मध्यक्षेप
In possession	कब्जाधीन	Intestate	निर्वसीयती
In pursuance of	के अनुसरण में	Intimidation	अभिवास
Inquiry	जाँच	Intoxication	मत्तता
Insane	उन्मत्त	Introduce	पुरःस्थापना करना
Inscription	उत्कीर्ण लेखा	Introduction	प्रवेश
Inserted	अन्तःस्थापित	Introductory	प्रस्तावना के रूप में
Insolvency	दिवाला	Intrude	अतिक्रमण करना
Insolvency jurisdiction	दिवाला विषयक अधिकारिता	Invalidate	अविधिमान्य करना
Inspection	निरीक्षण	Invest	विनिहित करना
Institution	उकसाना	Investigation	अन्वेषण
Institute	संस्थित करना ; संस्थान	Involve	अन्तर्वलित होना
Institution	संस्थित करना	Irreconcilable	अनमेल
Instruction	अनुदेश	Irrelevant	विसंगत
		Isolated	एकल
		Issue of fact	विवाद्यक तथ्य

J

Jointly concerned	संयुक्ततः संपृक्त	Judicial record	न्यायिक अभिलेख
Jointly tried	संयुक्त रूप में	Judicially	न्यायिकतः
	विचारित	Jurisdiction	अधिकारिता
Joint possession	संयुक्त कब्जा	Juror	जुरी सदस्य
Joint stock company	संयुक्त	Jury	जुरी
	स्टाक कम्पनी ; ज्वाइंट स्टॉक कम्पनी	Juryman	जुरी सदस्य
Judge	न्यायाधीश ; जज	Justice	न्याय
Judgment	निर्णय	Justice of the peace	जस्टिस आफ दि पीस
Judicial	न्यायिक	Justification	न्यायौचित्य
Judicial act	न्यायिक कार्य	Justify	न्यायोचित ठहराना
Judicial notice	न्यायिक अवस्था		
Judicial proceedings	न्यायिक		
	कार्यवाहियां		

K

Kidnapping व्यपहरण

L

Land Acquisition Act, 1894

भूमि अर्जन अधिनियम 1894

Landed property भू-सम्पत्ति

Landholder भू-धारक

Landlord भू-स्वामी

Land revenue भू-राजस्व

Last preceding अन्तिम पूर्ववर्ती

Law विधि

Law for the time being in force

तत्समय प्रवृत्त विधि

Lawful विधिपूर्ण

Lawful guardian विधिपूर्ण संरक्षक

Lawfully विधिपूर्वक

Law of evidence साक्ष्य विधि

Leading question सूचक प्रश्न

Lease पट्टा, गुत्तगै, पाटं

Leasehold पट्टावृत्ति, गुत्तगै आक्षी,

पाटंवस्तु

Leave of the court न्यायालय की

इजाजत

Legacy वसीयत संपदा

Legal विधिक ; वैध

Legal adviser विधिक सलाहकार

Legal character विधिक हैसियत

Legal curator विधिक पालक

Legal custody विधिक अभिरक्षा

LEG

Legal incidents	वैध प्रसंगतियां	Letter of credit	प्रत्यय पत्र ; क्रेडिट पत्र
Legally	वैध रूप से	Levy	उद्गृहीत करना
Legally bound	वैध रूप से आबद्ध	Liabie	दायित्व के अधीन, दायी
Legally bound to do	करने के लिए बंध रूप से आबद्ध	Liability	दायित्व
Legally competent	विधि द्वारा सक्षम	Libel	अपमान लेख
Legally married	वैध रूप से विवाहित	Libellous character	अपमान लेख रूप
Legal proceeding	विधिक कार्य-वाही	License	अनुज्ञप्ति लाइसेन्स
Legal process	वैध आदेशिका	Licensee	अनुज्ञप्तिधारी लाइसेन्सी
Legal representative	विधिक प्रतिनिधि	Licensor	अनुज्ञापक
Legatee	वसीयतदार	Life convict	आजीवन सिद्धदोष
Legislative	विधायी	Life interest	आजीवन हित
Legitimacy	धर्मजत्व	Limit	परिसीमित करना
Legitimate origin	विधिसम्मत उद्गम	Limitation	परिसीमा
Legitimate son	धर्मज पुत्र	Loan	उधार
Lessee	पट्टेदार	Local expression	स्थानीय शब्द प्रयोग
Lessor	पट्टाकर्ता ; गुप्तगै कर्ता	Local law	स्थानीय विधि
		Lunatic	पागल
		Lurking house-trespass	प्रच्छन्न गृह-अतिचार
		Lust	काम-तृष्णा

M

Magistrate मजिस्ट्रेट	Maximum अधिकतम
Maintenance भरण-पोषण ; अनुरक्षण	May presume उपधारणा कर सकेगा
Major प्राप्तवय	Means of living जीविका के साधन
Majority प्राप्तवयता	Measure माप
Malice विद्वेष	Member सदस्य
Malicious विद्वेषपूर्ण	Memorandum ज्ञापन
Management प्रबन्ध	Mental condition मानसिक दशा
Manager प्रबन्धक ; मैनेजर	Mentioned वर्णित
Maritime jurisdiction समुद्रीय अधिकारिता	Mercantile document of title to goods
Market value बाजार भाव	माल पर हक की-वाणिज्यिक दस्तावेज
Marriage विवाह	Merchant vessel वाणिज्य पोत
Marshalling क्रमबन्धन	Mesne mortgagee मध्यवर्ती बन्धकदार
Material तात्त्विक	Mesne profits अन्तःकालीन लाभ
Material cause उपादान कारण	Minor अप्राप्तवय
Material defect तात्त्विक त्रुटि	Minority अप्राप्तवयता
Material fact तात्त्विक तथ्य	Misappropriation दुर्विनियोग
Material thing भौतिक चीज	Miscarriage गर्भपात
Matrimonial वैवाहिक	Mischief रिष्टि
Matrimonial jurisdiction वैवाहिक अधिकारिता	Misconception भ्रम
Matter in dispute विवादग्रस्त विषय	Misconduct अवचार
Matters of fact तथ्य की बातें	Misrepresentation दुर्व्यपदेशन
Maturity परिपक्वता	Mistake भूल
Maxim सूत्र	Mistake in fact or law विधि या तथ्य की भूल

MIS

Mistake of fact	तथ्य की भूल	Mortgage-deed	बन्धक-विलेख
Mistake of law	विधि की भूल	Mortgagee	बन्धकदार
Mitigate	कमी करना	Mortgage-money	बन्धक धन
Mitigation	कमी करना	Mortgagor	बन्धककर्ता
Modesty	लज्जा	Motive	हेतु
Modification	उपान्तरण	Movable property	जंगम सम्पत्ति
Modified	उपान्तरित	Muhammadan law	मोहमेडन विधि
Modify	उपान्तरित करना	Municipal	नगरपालिक
Moral	सदाचार	Murder	हत्या
Mortgage	बन्धक	Mutilate	विकृत करना
Mortgage by conditional sale	सशर्त विक्रय द्वारा बन्धक	Mutiny	विद्रोह
Mortgage by deposit of title-deeds	हक-विलेखों के निक्षेप द्वारा बन्धक	Mutual agreement	आपसी करार

N

Natural events	प्राकृतिक घटनाएं	Neglect	उपेक्षा करना
Naturally	स्वभावतः	Negligence	उपेक्षा
Navigable	नाव्य	Negotiable	परक्राम्य
Necessary	आवश्यक	Nominated	नामनिर्देशित

Non-fulfilment अपूर्ति
Non-observance अनुपालन
Non-performance अपालन
Non production पेश न करना
Non-testamentary अवसीयती
Notary public नोटरी पब्लिक
Not competent अक्षम

Notice सूचना ; नोटिस
Notice to produce पेश करने की सूचना
Notification अधिसूचना
Not proved साबित नहीं हुआ
Nuisance न्यूसेन्स ; उपताप



Oath शपथ
Objection आक्षेप
Objects पदार्थ
Obligation बाध्यता
Obscene अश्लील
Observations सम्प्रेक्षण
Observed अनुपालन किया
Obtain अभिप्राप्त करना
Occupancy अधिभोग
Occupation अधिभोग
Occupier अधिभोगी
Occurrence घटना

Offence अपराध
Offender अपराधी
Offer प्रस्थापना ; आफर
Officers of the Court न्यायालय के आफिसर
Official Act पदीय कार्य
Official duty पदीय कर्तव्य
Official Gazette शासकीय राजपत्र
Official records शासकीय अभिलेख
Omission लोप
On account of मद्धे
On behalf of की ओर से

ON

On demand मांग पर	Ordinary course of business कारबार का मामूली अनुक्रम
Onerous दुर्भर	Original मूल
Open court खुला न्यायालय	Ostensible owner दृश्यमान स्वामी
Operation प्रवृत्त होना ; प्रवर्तन	Ostensibly दृश्यतः
Operation of law विधि की क्रिया	Oudh Laws Act अवध विधि अधिनियम
Opinion राय	Outgoing निर्गम
Opportunity अवसर	Outrage modesty लज्जा भंग करना
Option विकल्प	Overawe आतंकित करना
Oral admissions मौखिक स्वीकृतियाँ	Owner स्वामी
Oral agreement मौखिक करार	Ownership स्वामित्व
Oral evidence मौखिक साक्ष्य	
Order आदेश	

P

Panchayat पंचायत	Particular instance विशिष्ट उदाहरण
Paramour जार	Partition विभाजन
Parent माता या पिता	Partly भागतः
Parole परोल	Partner भागीदार
Partial loss भागतः हानि	

Part paid	कोई भाग दे दिया गया	Personation	प्रतिरूपण
Part-promised	भाग के देने का वचन दिया गया	Petition	अर्जी
Party to the proceeding	कार्य-वाही का पक्षकार	Plaint	वादपत्र
Passing to the buyer	क्रेता को संक्रान्त होना	Pleader	प्लीडर
Pawn	पणयम्	Pleading	अभिवचन
Payable	देय	Pledge	गिरवी
Payee	पाने वाला	Pledgee	गिरवीदार
Paying off	चुका देना	Police	पुलिस ; आरक्षी
Payment	संदाय	Policy	पालिसी
Pecuniary	धन सम्बन्धी	Political	राजनैतिक
Pecuniary interest	धन सम्बन्धी हित	Possession	कब्जा, स्वाधीन
Pecuniary liability	धन सम्बन्धी दायित्व	Possible	संभव
Penal Code	दण्ड संहिता	Possibility	संभावना
Penalty	शास्ति	Posterior mortgagee	पीछे वाला बन्धकदार
Pending	लम्बित	Power	शक्ति
Penetration	प्रवेशन	Power of attorney	मुख्तारनामा
Perform	पालन करना	Practice	पद्धति
Period of limitation	परिसीमा काल	Preamble	उद्देशिका
Perjury	शपथ-भंग	Precaution	पूर्वावधानी
Permission	अनुज्ञा	Precedent interest	पूर्ववर्ती हित
Permit	अनुज्ञा देना ; अनुज्ञा पत्र ; अनुज्ञा	Preclude	प्रवारण करना
Perpetuity	शाश्वत काल	Prejudice	प्रतिकूल प्रभाव
Person	व्यक्ति	Premeditation	पूर्वचिन्तन
Personal acknowledgment	वैयक्तिक अभिस्वीकृति	Presence	उपस्थिति
		Presentation	उपस्थित करना
		Presume	उपधारित करना
		Presumption	उपधारणा
		Pretence	बहाना
		Pretending	अपदेश करना
		Prevail	अभिभावी होना
		Prevent	निवारण करना

PRE

Previous conduct	पूर्व का आचरण	Promise	वचन
Previous conviction	पूर्व दोषसिद्धि	Promissory note	वचन पत्र ; ग्रामिसरी नोट
Previously created right	पूर्व सृष्ट अधिकार	Promulgation	प्रख्यापन
Previous or subsequent conduct	पूर्व का या पश्चात् का आचरण	Proof	सबूत
Primary	प्राथमिक	Proper custody	उचित अभिरक्षा
Primary evidence	प्राथमिक साक्ष्य	Properly incurred	उचित रूप में उपगत
Principal	मालिक	Property	सम्पत्ति
Principal money	मूलधन	Property mark	सम्पत्ति चिह्न
Prior	पूर्विक	Proportion	अनुपात
Prior disposition	पूर्विक व्ययन	Propose	प्रस्थापना करना
Prior interest	पूर्विक हित	Proprietary interest	साम्पत्तिक हित
Prisoner	कैदी	Prosecute	अभियोजन करना ; अग्रसर करना
Privacy	एकान्तता	Prosecutor	अभियोजक ; प्रासीक्यूटर
Private defence	प्राइवेट प्रतिरक्षा	Prostitution	वेश्यावृत्ति
Private document	प्राइवेट दस्तावेज	Protect	संरक्षण देना
Privation	विच्छेद	Protection	संरक्षण
Privilege	विशेषाधिकार	Protest	प्रसाक्ष्य
Privy Council	प्रिवी कौंसिल	Prove	साबित करना
Probability	अधिसम्भाव्यता	Proved	साबित किया गया ; साबित
Probate	प्रोबेट	Provided	उपबंधित
Probate jurisdiction	प्रोबेट विषयक अधिकारिता	Provided that	परन्तु यह तब, जब ; परन्तु
Proceeding	कार्यवाही	Provincial Act	प्रान्तीय अधिनियम
Proceeds	आगम	Provision	उपबन्ध
Process of law	विधि की प्रक्रिया	Proviso	परन्तुक
Proclamation	उद्घोषणा	Provocation	प्रकोपन
Proctor	प्राक्टर	Public	लोक ; पब्लिक
Procurator	उपापन	Public document	लोक दस्तावेज
Procure	उपाप्त करना	Public duty	लोक कर्तव्य
Produce	पेश करना		

Public good लोक कल्याण
 Public health लोक स्वास्थ्य
 Public interest लोक हित
 Public notice लोक सूचना
 Public office लोक पद
 Public place लोक स्थान
 Public policy लोक नीति

Public record लोक अभिलेख
 Public revenue लोक राजस्व
 Public servant लोक सेवक
 Punishment दण्ड
 Purchase खरीदना
 Purchase-money क्रय धन

Q

Question प्रश्न

Quasi marital विवाह-सदृश

Question in dispute विवादग्रस्त
 प्रश्न

R

Race	मूल वंश	Record	अभिलेख
Railway receipt	रेल रसीद	Recover	प्रत्युद्धरित करना ; वसूल करना
Rape	बलात्संग	Recovery	प्रत्युद्धरण, वसूली
Rash	उतावला	Redeem	मोचन कराना
Rashness	उतावलापन	Redemption	मोचन
Rate	रेट ; दर	Reduction	घटाना
Rateably	अनुपाती	Re-entry	पुनः प्रवेश
Reach of the process of the court	न्यायालय की आदेशिका की पहुंच	Re-examination	पुनः परीक्षा
Real owner	वास्तविक स्वामी	Reference	निर्देश
Real person	वास्तविक व्यक्ति	Refrain	विरत होना
Reasonable	युक्तिमान, युक्तियुक्त	Refresh the memory	स्मृति ताजी करना
Reasonable care	युक्तियुक्त सावधानी	Register	रजिस्टर
Reasonable ground	युक्तियुक्त आधार	Registered	रजिस्ट्रीकृत
Reason to believe	विश्वास करने का कारण	Registered instrument	रजिस्ट्रीकृत लिखत
Rebut	खण्डन करना	Registration	रजिस्ट्रीकरण
Receipt	रसीद ; प्राप्ति	Regularly kept in the course of business	कारबार के अनुक्रम में नियमित रूप से रखी हुई
Receipt of money	धन की प्राप्ति	Regularly performed	नियमित रूप से किया गया
Receive	अभ्यागम करना ; प्राप्त करना	Regulation	विनियमन ; विनियम
Receiver	प्रापक ; रिसीवर	Reinstating	यथापूर्वकरण ; पुनःस्थापन
Recognized	मान्यता प्राप्त	Rejected evidence	अग्रहीत साक्ष्य
Recollection	स्मरण		

Relation नातेदार	Representative प्रतिनिधि
Relationship सम्बन्ध	Representative character प्रति- निधिक हैसियत
Relationship by blood, marriage or adoption रक्त, विवाह या दत्तकग्रहण पर आधारित नातेदारी	Representative in interest हित प्रतिनिधि
Release छोड़ देना	Repugnant विरुद्ध
Relevancy सुसंगति	Reputation ख्याति
Relevancy of fact तथ्यों की सुसंगति	Requisite अपेक्षित
Relevancy of statement कथन की सुसंगति	Requisition अध्यपेक्षा
Relevancy of judgment निर्णय की सुसंगति	Rescind विखण्डित करना
Relevant सुसंगत	Reside निवास करना
Relevant fact सुसंगत तथ्य	Residence निवास
Relevant question सुसंगत प्रश्न	Residue अवशिष्ट
Relief मुक्ति, अनुतोष	Resistance प्रतिरोध
Relinquish त्याग करना	Restitution प्रत्यास्थापन
Remaining interest शेष हित	Restore प्रत्यावर्तन करना
Remedy उपचार ; उपाय	Restrain अवरोध लगा देना
Remission परिहार	Restraint अवरोध
Remote अतीत	Retention रखे रखना ; प्रतिधारण
Remuneration पारिश्रमिक	Re-transfer प्रति-अन्तरित करना
Renewal नवीकरण	Retrospectively भूतलक्षी
Renounce त्याग करना	Return a verdict अधिमत देना
Rent भाटक	Revenge प्रतिशोध
Repay प्रतिसंदाय	Revenue राजस्व
Repeal निरसन	Revenue Officer राजस्व आफिसर
Report रिपोर्ट	Reversion प्रतिवर्तन ; उत्तरभोग ; शेषभोग
Report of decision विनिश्चय की रिपोर्ट	Revision पुनरीक्षण
Representation व्यपदेशन ; समरूपण	Revocation प्रतिसंहरण
	Revoked प्रतिसंहृत
	Reward इनाम
	Right of private self defence
	प्राइवेट आत्मप्रतिरक्षा का अधिकार

RIG

Rigorous imprisonment	कठिन कारावास	Robbery	लूट
Riot	बल्वा	Rule	नियम
Risk	जोखिम	Rule of pleading	अभिवचन का नियम
Robber	लुटेरा	Ruling	विनिर्णय

S

Safe custody	सुरक्षित अभिरक्षा	Secure	प्रतिभत करना
Sale	विक्रय	Security	प्रतिभूति
Sale-proceeds	विक्रय के आगम	Sedition	राजद्रोह
Sample	सेम्पल	Seduce	विलुब्ध करना
Satisfaction	तुष्टि ; समाधान	Seizure	अभिग्रहण
Scandalous	कलंकात्मक	Self defence	आत्म-प्रतिरक्षा
Schedule	अनुसूची	Seller	विक्रेता
Seal	मुद्रा	Sell	बेचना
Search	तलाशी	Sentence	दण्डादेश
Secondary evidence	द्वितीयक साक्ष्य	Servant	नौकर
Secret	गुप्त	Service contract	सेवा संविदा
Section	धारा	Set aside	अपास्त करना
		Set forth	उपवर्णित करना

Set off मुजरा	Special order विशेष आदेश
Setting up a title हक खड़ा करना	Specific विनिर्दिष्ट
	Specifically विनिर्दिष्टतः
Settlement case व्यवस्थापन मामला	Specific performance विनिर्दिष्ट पालन
Severally अलग-अलग	Specific relief विनिर्दिष्ट अनुतोष
Sexual intercourse मैथुन	Stamp स्टाम्प
Shake his credit विश्वसनीयता को धक्का पहुँचाना	State Act राज्य अधिनियम
	Statement कथन
Shall presume उपधारणा करेगा	State of mind or body मन या शरीर की दशा
Share अंश ; शेयर	
Shifting of burden of proof साबित करने के भार का चला जाना	State of things वस्तुस्थिति
Shooting असन	Stay रोकना
Shop-keeper दुकानदार	Stipend वृत्तिका
Short title संक्षिप्त नाम	Stipulate अनुबन्ध करना
Signature हस्ताक्षर	Stipulated अनुबद्ध
Simple mortgage सादा बन्धक	Stipulation अनुबन्ध
Simple mortgagee सादा बन्धकदार	Stock स्टॉक
Sitting अधिष्ठित	Stolen property चुराई हुई सम्पत्ति
Situation ओहदा	Strictly fulfilled पूर्णतः यथावत् हो जाए
Solely responsible केवल उत्तरदायी	Strike आघात करना
Solemn affirmation सत्यनिष्ठित प्रतिज्ञान	Structure संरचना
Solicit अनुनय करना	Subject matter विषय-वस्तु
Solicitor सालिसिटर	Subject to अध्यक्षीन
Solitary confinement एकान्त परिरोध	Subject to the process of the Court न्यायालय की आदेशिका के अध्यक्षीन
Solvency शोधनक्षमता	Sub-lease उपपट्टा
Solvent शोधक्षम	Subordinate अधीनस्थ
Sovereign प्रभु	Sub-Registrar उपरजिस्ट्रार
Special exception विशेष अपवाद	Subrogated प्रत्यासीन
Special law विशेष विधि	Subrogation प्रत्यासन

SUB

Subscribed	हस्ताक्षरित किया गया	Sue	वाद लाना
Subsequent	पाश्चिक ; उत्तरवर्ती	Suggest	सुझाना
Subsequent conduct	पश्चात् का आचरण	Suicide	आत्महत्या
Subsequent mortgagee	पाश्चिक बन्धकदार	Suit	वाद
Subsist	अस्तित्वशील होना	Suit for damages	नुकसानी के लिए वाद
Substance	सार ; उपादान ; पदार्थ	Suitor	वादकर्ता
Substantially	सारतः	Sum	राशि
Substantially in the form	सारतः उस प्ररूप में	Summarily sold	संक्षेपतः बेचो गई
Substituting	प्रतिस्थापित करते हुए	Summary disposal	संक्षिप्त निपटारा
Subtracting	घटाना	Summon	समन करना
Succeed	उत्तरवर्ती होना, उत्तरा- धिकारी होना	Summons	समन
Successive	क्रमवर्ती	Surrender	अभ्यर्पण
Successively	अनुक्रमशः	Survive	उत्तरजीवी होना
		Survivor	उत्तरजीवी
		Suspended	निलम्बित

T

Tampering	छेड़ना	Tax	कर
Tangible	मूर्त	Temporal	ऐहिक

Tenancy	अभिधारण ; कौलदारी	Treatment	चिकित्सा
Tenant	अभिधारी ; कौलदार	Trespass	अतिचार
Tender	निविदा करना	Trespasser	अतिचारी
Tenets	सिद्धान्त	Trial	विचारण
Term	अवधि ; निर्बन्धन	Tribe	जन-जाति
Terminable	पर्यवसेय	Tribunal	अधिकरण ; ट्राइब्यूनल
Termination	पर्यवसान	Transferee	अन्तरिती
Territory	राज्यक्षेत्र	Transferee for consideration and	without notice सूचना रहित
Testamentary document	वसीयती दस्तावेज		सप्रतिफल अन्तरिती
Testify	परिसाक्ष्य देना	Transfer in perpetuity	शाश्वतिक
Testimony	परिसाक्ष्य		अभ्तरण
Theft	चोरी	Transfer of property	सम्पत्ति-
Thereby	तद्द्वारा		अन्तरण, सम्पत्ति का अन्तरण
Thief	चोर	Transferor	अन्तरक
Third party	तृतीय पक्षकार	Transmission	पारेषित किया जाना
Third person	अन्य व्यक्ति		पारेषण
Threat	धमकी	Transmitted	पारेषित
Title	हक	Transportation	निर्वासन
Title deed	हक विलेख	Tried	विचारित किया ; विचारण
Tranquillity	प्रशांति		किया ।
Transaction	संव्यवहार	True copy	शुद्ध प्रति
Transfer	अन्तरण	Trust	भरोसा करना ; न्यास, ट्रस्ट
Transferable property	अन्तरणीय सम्पत्ति	Trustee	न्यासी, ट्रस्टी
Treatise	ग्रन्थ	Trust property	न्यस्त सम्पत्ति, ट्रस्ट सम्पत्ति

U

Ultior transfer	परतर अन्तरण	Unlawful object	विधि-विरुद्ध उद्देश्य
Uncancelled	अरद्दित	Unmarried	अविवाहित
Uncertain	अनिश्चित	Unnatural lust	प्रकृति विरुद्ध काम-तृष्णा
Unchastity	असतीत्व	Unreasonable	अयुक्तियुक्त
Uncorroborated	असंपुष्ट	Unsound mind	विकृत चित्त
Uncorroborated	testimony असंपुष्ट परिसाक्ष्य	Untransferable right	अनन्तरणीय अधिकार
Undeaced	अविरूपित	Unwilling	राजी न होना
Under-lessee	उपपट्टेदार	Unworthy	अपात्र होना
Underwriter	निम्नांकक ; अंडर राइटर	Unworthy of credit	विश्वसनीयता का अपात्र
Undisputed	निर्विवाद		
Undivided	family अविभक्त कुटुम्ब		
Undue influence	असम्यक् असर		
Unexpired	अनवसित	Usage	प्रथा
Unfavourable	अननुकूल	Usufructuary mortgage	भोग बन्धक
Unfit	अनुपयुक्त	Usufructuary mortgagee	भोग बन्धकदार
Unforeseen	अनवेक्षित		
Universal donee	अखिल आदाता		
Unlawful	विधि-विरुद्ध	Utterer of coin	सिक्का चलाने वाला
Unlawful assembly	विधि-विरुद्ध जमाव		

V

Vakil	वकील	Verdict	अधिमत
Valid	विधिमान्य	Verification	सत्यापन
Valid cession	विधिमान्य अध्यर्पण	Verified	सत्यापित
Validity	विधिमान्यता	Vested	निहित
Validity of any objection	किसी आक्षेप की विधिमान्यता	Vested interest	निहित हित
Valid marriage	विधिमान्य विवाह	Vesting order	निहित करने के लिए आदेश
Valuable security	मूल्यवान प्रति- भूति	Violation	अतिक्रमण
Value	मूल्य	Violence	हिंसा
Variation	फेरफार	Vitiate	दूषित करना
Veracity	सत्यवादिता	Void	शून्य
Verbal warranty	मौखिक वारण्टी	Voidable	शून्यकरणीय
		Voluntarily	स्वेच्छया

W

Waging war	युद्ध करना	Willing	रजामन्द
Waived	अधित्यजित, अधित्यक्त	Withdrawal	प्रत्याहरण
Waiver	अधित्यजन	Withhold	विधारण करना
Want of capacity	सामर्थ्य का अभाव	Within the meaning	अर्थ के अन्दर
Want or failure of consideration	प्रतिफल का अभाव या निष्फलता	Without due care and attention	सम्यक् सतर्कता और ध्यान के बिना
Warn	चेतावनी देना	With reference to	के प्रति निर्देश
Warning	चेतावनी		से
Warrant	वारण्ट		
Warrant the genuineness	असली-पन का वारण्टी देना	Witness	साक्षी
Warranty	वारण्टी	Wound	घाव
Waste	दुर्व्यय	Writ	रिट
Wear and tear	घिसाई	Wrong	दोष या दोषपूर्ण
Weight	बाट	Wrong doer	दोषकर्ता
Well founded	सुआधारित	Wrongful	सदोष
Wharfinger	घाटवाल	Wrongful Act	सदोष कार्य
Widow	विधवा	Wrongful confinement	सदोष परिरोध
Wife	पत्नी	Wrongful gain	सदोष अभिलाभ
Will	विल	Wrongful loss	सदोष हानि
Wilful	जानबूझकर	Wrongful restraint	सदोष अवरोध
Wilfully	जानबूझकर		

